

EHB 2665

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THE STATE SENATE  
Monday, April 3, 2000

ENGROSSED

House Bill No. 2665

ENGROSSED HOUSE BILL NO. 2665 - By: KIRBY, LINDLEY, BRADDOCK and GLOVER of the House and HELTON of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1737, which relates to theft of cable television services; expanding circumstances which constitute crime; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1737, is amended to read as follows:

Section 1737. A. Any person who:

1. Shall knowingly obtain or attempt to obtain cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service from another by means, artifice, trick, deception, or device without the payment to the operator of said service of all lawful compensation for each type of service obtained; or

2. Shall knowingly assist or instruct any other person in obtaining or attempting to obtain any cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data

1 transmission service without the payment to the operator of all  
2 lawful compensations; or

3 3. Shall knowingly tamper or otherwise interfere with or  
4 connect to by any means, whether mechanical, electrical, acoustical,  
5 or other means, any cables, wires, or other devices used for the  
6 distribution of cable, information, or telecommunications service of  
7 any type or kind including but not limited to cable television,  
8 telephony, internet, and data transmission service without authority  
9 from the operator of said service; or

10 4. Shall knowingly manufacture, import into this state,  
11 distribute, sell, offer for sale, rental, or use, possess for sale,  
12 rental, or use, or advertise for sale, rental, or use any device of  
13 any description, or any plan, or kit for a device, designed in whole  
14 or in part to facilitate the doing of any of the acts specified in  
15 paragraphs 1, 2 and 3 of this subsection;

16 shall be guilty, upon conviction, of the misdemeanor of larceny of  
17 cable television, cable, information, or telecommunications service  
18 or tampering with cable television, cable, information, or  
19 telecommunications service, which offenses are punishable by  
20 imprisonment in the county jail for not more than six (6) months or  
21 by a fine not exceeding One Thousand Dollars (\$1,000.00), or both  
22 said fine and imprisonment.

1           B. In any prosecution as set forth in subsection A of this  
2 section, the existence on the property and in the actual possession  
3 of the accused, of (1) any connection, wire, conductor, or any  
4 device whatsoever, which is connected in such a manner as would  
5 appear to permit the use of cable, information, or  
6 telecommunications service of any type or kind including but not  
7 limited to cable television, telephony, internet, and data  
8 transmission service without the same being reported for payment to  
9 and specifically authorized by the operator of the cable,  
10 information, or telecommunications service of any type or kind  
11 including but not limited to cable television, telephony, internet,  
12 and data transmission service or (2) the existence on the property  
13 and in the actual possession of the accused, in quantities or  
14 volumes suggesting possession for resale, of any device designed in  
15 whole or in part to facilitate the performance of any of the illegal  
16 acts mentioned in subsection A of this section shall be prima facie  
17 evidence of intent to violate and of the violation of the provisions  
18 of subsection A of this section by the accused.

19           C. Any person who violates the provisions of this section shall  
20 be liable to the franchised or otherwise duly licensed cable  
21 television system, information service provider, or other  
22 telecommunications service or equipment provider for the greater of  
23 the following amounts:

- 1        1. Two Thousand Five Hundred Dollars (\$2,500.00); or  
2        2. Three times the amount of actual damages, if any, sustained  
3 by the plaintiff, plus reasonable attorneys fees.

4        D. Any franchised or otherwise duly licensed cable television  
5 system, information service provider, or other telecommunications  
6 service or equipment provider may bring an action to enjoin and  
7 restrain any violation of the provisions of this section or an  
8 action of conversion, or both, and may in the same action seek  
9 damages as provided for in subsection C of this section.

10       E. It is not a necessary prerequisite to an action pursuant to  
11 this section that the plaintiff has suffered, or be threatened with,  
12 actual damages.

13       F. The provisions of this section shall not be construed or  
14 otherwise interpreted to prohibit an individual from owning or  
15 operating a device commonly known as a "satellite receiving dish"  
16 for the purpose of receiving and utilizing satellite-relayed  
17 television signals for his own use.

18       SECTION 2. This act shall become effective November 1, 2000.

19       COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-27-00 -  
20       DO PASS.