

SECOND REGULAR SESSION

HOUSE BILL NO. 1450

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHOEMAKER (Sponsor), BISHOP, WILDBERGER, SANDER, TAYLOR, HUNTER, DEMPSEY, RUESTMAN, VIEBROCK, ANGST, JOLLY, WILLOUGHBY, SKAGGS, STEVENSON, WRIGHT AND LeVOTA (Co-sponsors).

Read 1st time February 10, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4409L.011

AN ACT

To repeal section 570.300, RSMo, and to enact in lieu thereof one new section relating to tampering with cable television distribution capabilities, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 570.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 570.300, to read as follows:

570.300. 1. A person commits the crime of theft of cable television service if he:

(1) Knowingly obtains or attempts to obtain cable television service without paying all lawful compensation to the operator of such service, by means of artifice, trick, deception or device; or

(2) Knowingly assists another person in obtaining or attempting to obtain cable television service without paying all lawful compensation to the operator of such service; or

(3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires or other devices used for the distribution of cable television if the effect of such action is to obtain cable television without paying all lawful compensation therefor; or

(4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device, plan or kit designed and intended to obtain cable television service in violation of this section; or

(5) Knowingly attempts to connect to, tamper with, or otherwise interfere with any cable television signal, cables, wires, devices, or equipment used for the distribution of cable television which results in the unauthorized use of a cable television system or the disruption of the cable television service.

2. Theft of cable television service is a class C felony if the value of the service

18 appropriated is five hundred dollars or more **or if the theft is a violation of subdivision (5) of**
19 **subsection 1 of this section**; otherwise theft of cable television services is a class A
20 misdemeanor.

21 3. Any cable television operator may bring an action to enjoin and restrain any violation
22 of the provisions of this section or bring an action for conversion. In addition to any actual
23 damages, an operator may be entitled to punitive damages and reasonable attorney fees in any
24 case in which the court finds that the violation was committed willfully and for purposes of
25 commercial advantage. In the event of a defendant's verdict the defendant may be entitled to
26 reasonable attorney fees.

27 4. The existence on the property and in the actual possession of the accused of any
28 connection wire, or conductor, which is connected in such a manner as to permit the use of cable
29 television service without the same being reported for payment to and specifically authorized by
30 the operator of the cable television service shall be sufficient to support an inference which the
31 trial court may submit to the trier of fact, from which the trier of fact may conclude that the
32 accused has committed the crime of theft of cable television service.

33 5. If a cable television company either:

34 (1) Provides unsolicited cable television service; or

35 (2) Fails to change or disconnect cable television service within ten days after receiving
36 written notice to do so by the customer, the customer may deem such service to be a gift without
37 any obligation to the cable television company from ten days after such written notice is received
38 until the service is changed or disconnected.

39 6. Nothing in this section shall be construed to render unlawful or prohibit an individual
40 or other legal entity from owning or operating a video cassette recorder or devices commonly
41 known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed
42 television signals for his own use.

43 7. As used in this section, the term "cable television service" includes microwave
44 television transmission from a multipoint distribution service not capable of reception by
45 conventional television receivers without the use of special equipment.