

**SENATE BILL NO. 73**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 2/7/95

Referred: JUD, FIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the unauthorized use of or unauthorized interference with  
2 transmission and delivery of subscription cable services; and amending the  
3 definition of the offense of theft of services and the penalties for its violation."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 11.46.130(a) is amended to read:

6 (a) A person commits the crime of theft in the second degree if the person  
7 commits theft as defined in AS 11.46.100 and

8 (1) the value of the property or services is \$500 or more but less than  
9 \$25,000;

10 (2) the property is a firearm or explosive;

11 (3) the property is taken from the person of another;

12 (4) the property is taken from a vessel and is vessel safety or survival  
13 equipment;

14 (5) the property is taken from an aircraft and the property is aircraft

1 safety or survival equipment; [OR]

2 (6) the value of the property is \$50 or more but less than \$500 and  
3 within the preceding five years the person has been convicted and sentenced on two  
4 or more separate occasions in this or another jurisdiction of

5 (A) AS 11.46.120, or an offense under another law or ordinance  
6 with similar elements;

7 (B) a crime set out in this subsection or an offense under  
8 another law or ordinance with similar elements;

9 (C) AS 11.46.140(a)(1) or (2), or an offense under another law  
10 or ordinance with similar elements; or

11 (D) AS 11.46.220(c)(1) or (c)(2)(A), or an offense under  
12 another law or ordinance with similar elements; **or**

13 **(7) the act constitutes a theft of subscription cable service under**  
14 **AS 11.46.200(a)(4)(B).**

15 \* **Sec. 2.** AS 11.46.140(a) is amended to read:

16 (a) A person commits the crime of theft in the third degree if the person  
17 commits theft as defined in AS 11.46.100 and

18 (1) the value of the property or services is \$50 or more but less than  
19 \$500;

20 (2) the property is a credit card; [OR]

21 (3) the value of the property is less than \$50 and within the past five  
22 years the person has been convicted and sentenced on two or more separate occasions  
23 in this or another jurisdiction of theft or concealment of merchandise, or an offense  
24 under another law or ordinance with similar elements; **or**

25 **(4) the act constitutes a theft of subscription cable service under**  
26 **AS 11.46.200(a)(4)(A).**

27 \* **Sec. 3.** AS 11.46.200(a) is amended to read:

28 (a) A person commits theft of services if

29 (1) the person obtains services, **except subscription cable services,**  
30 known by that person to be available only for compensation, by deception, force,  
31 threat, or other means to avoid payment for the services;

1 (2) having control over the disposition of services of others to which  
2 the person is not entitled, the person knowingly diverts those services to the person's  
3 own benefit or to the benefit of another not entitled to them; [OR]

4 (3) the person obtains the use of computer time, a computer system, a  
5 computer program, a computer network, or any part of a computer system or network,  
6 with reckless disregard that the use by that person is unauthorized; or

7 (4) the person, without the authorization of a subscription cable  
8 system,

9 (A) for the purpose of intercepting, receiving, or using a  
10 program or other service received from the subscription cable system,  
11 knowingly

12 (i) makes or maintains an unauthorized connection,  
13 whether physically or electronically, of, or knowingly causes to be  
14 attached or assists another in attaching, an unauthorized device to  
15 a television set or to other equipment designed to receive a  
16 broadcast or transmission;

17 (ii) purchases or possesses an unauthorized device  
18 that may be attached to a television set or other equipment  
19 designed to receive a broadcast or transmission; or

20 (iii) makes or maintains an unauthorized  
21 modification or alteration to a device that has been installed by or  
22 with the authorization of the subscription cable system so as to  
23 decode, descramble, intercept, or otherwise make intelligible a  
24 nonstandard signal that is received from the subscription cable  
25 system; or

26 (B) knowingly manufactures, assembles, distributes, sells,  
27 offers to sell, possesses for purposes of sale, or advertises for sale a device  
28 or printed circuit, or a plan or kit for a device or printed circuit, that is  
29 designed in whole or in part to decode, descramble, intercept, or otherwise  
30 make intelligible a nonstandard signal that is received from the  
31 subscription cable system.

1 \* **Sec. 4.** AS 11.46.200 is amended by adding a new subsection to read:

2 (d) In this section,

3 (1) "nonstandard signal" includes any type of encoded, scrambled, or  
4 distorted signal or transmission not intended to produce an intelligible program or  
5 service without the use of a special device or information provided by the sender of  
6 the signal or transmission for its receipt;

7 (2) "subscription cable system" means a cable system that transmits a  
8 nonstandard signal not intended to produce an intelligible program or service without  
9 the use of a special device or information provided by or authorized by the sender of  
10 the signal or transmission;

11 (3) "unauthorized device" means a device that, unless its use has been  
12 specifically authorized by a federal statute or regulation, has not been authorized by  
13 the subscription cable system and that is designed in whole or in part to decode,  
14 descramble, intercept, or otherwise make intelligible a nonstandard signal that is  
15 received from the subscription cable system.

16 \* **Sec. 5.** AS 11.81.900(b)(52) is amended to read:

17 (52) "services" includes labor, professional services, transportation,  
18 telephone or other communications service, entertainment, including [CABLE,  
19 SUBSCRIPTION, OR PAY TELEVISION OR OTHER] telecommunications service,  
20 the supplying of food, lodging, or other accommodations in hotels, restaurants, or  
21 elsewhere, admission to exhibitions, the use of a computer, computer time, a computer  
22 system, a computer program, a computer network, or any part of a computer system  
23 or network, and the supplying of equipment for use, **but does not include a program**  
24 **or service provided by a subscription cable system as defined in AS 11.46.200;**