

CS FOR HOUSE BILL NO. 315(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/2/94
Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER, Green, Toohey

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 carried by 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 carried by the subscription cable system;
25 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 carried by the subscription
31 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 has not been authorized
12 by the subscription cable system and that is designed in whole or in part to decode,
13 descramble, intercept, or otherwise make intelligible a nonstandard signal that is
14 carried by the subscription cable system.