

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H2/6/97

## A Bill

ACT 348 OF 1997  
HOUSE BILL 1229

5 *By: Representatives Vess and McGee*  
6  
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### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-37-402 AND  
10 5-37-403 TO INCREASE THE CRIMINAL PENALTIES FOR  
11 MANUFACTURING AND SELLING DEVICES DESIGNED TO DESCRAMBLE  
12 ENCODED SIGNALS OF CABLE TELEVISION COMPANIES WITH THE  
13 INTENT TO STEAL THE CABLE TELEVISION COMPANY'S SERVICE;  
14 AND FOR OTHER PURPOSES."

### Subtitle

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17 "TO INCREASE THE CRIMINAL PENALTIES FOR  
18 MANUFACTURING AND SELLING DEVICES  
19 DESIGNED TO DESCRAMBLE ENCODED SIGNALS  
20 OF CABLE TELEVISION COMPANIES WITH THE  
21 INTENT TO STEAL THE CABLE TELEVISION  
22 COMPANY'S SERVICE"  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code Annotated § 5-37-402 is amended to read as*  
27 *follows:*

28 *"5-37-402 Theft of cable television services.*

29 *A person commits theft of cable television services if he:*

30 *(1) Obtains or attempts to obtain cable television service from another*  
31 *by any means, artifice, trick, deception, or device without the payment to the*  
32 *operator of the service of all lawful compensation for each type of service*  
33 *obtained;*

34 *(2) Assists or instructs any other person in obtaining or attempting to*  
35 *obtain any cable television service without the payment to the operator of all*  
36 *lawful compensations;*

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(3) Tamper or otherwise interferes with or connects to by any means, whether mechanical, electrical, acoustical, or other means, any cables, wires, or other devices used for the distribution of cable television without authority from the operator of the service;

(4) Makes or maintains any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by such company which such person is not authorized by such company to receive;

(5) Possesses any device designed in whole or in part to decode, descramble, or otherwise make intelligible any encoded, scrambled, or other nonstandard signal carried by a cable television company with the intent that the device be used for the theft of the company's service;

(56) (A) Manufactures, imports into this state, distributes, sells, leases, or offers, ~~possesses,~~ or advertises for sale or lease any device, or any plan or kit for a device or for a printed circuit designed in whole or in part to decode, descramble, or otherwise make intelligible any incoded, scrambled, or other nonstandard signal carried by a cable television company with the intent that the device, plan, or kit be used for the theft of the company's service.

(B) However, nothing in this subsection shall be construed to prohibit the manufacture, importation, sale, lease, or possession of any television device possessing the internal hardware necessary to receive cable television signals without the use of a converter, device, or box, or of any television advertised as 'cable ready'; or

(6) Manufactures, imports into this state, distributes, sells, or offers for sale, rental, or use, any device of any description, or any plan or kit for a device, designed in whole or in part to facilitate the unlawful performance of any of the acts set out in this section."

SECTION 2. Arkansas Code Annotated § 5-37-403 is amended to read as follows:

"5-37-403. Violation.

Any person violating the provisions of § 5-37-402 shall, upon conviction, be guilty of a Class B misdemeanor- except for violations of subparagraph (6)(A), any person violating the provisions of § 5-37-402(6)(A)

1 shall, upon conviction, be guilty of a Class D felony."

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3 SECTION 3. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 4. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 5. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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*/s/Rep. Vess et al*

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APPROVED:3-05-97

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