

## **BILL ANALYSIS**

Senate Research Center  
76R3861 PEP-F

H.B. 1876  
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Criminal Justice  
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Engrossed

### **DIGEST**

Currently, under Texas law, there are criminal penalties for the theft of cable television service. With the new technology available, the Penal Code may need to be amended to stay abreast of the technological changes. This bill would expand the definition of cable theft to include the new technology available for receiving multichannel video and information services, restructure the criminal penalties for such theft; and would provide a criminal penalty for the advertisement of and offer for sale of a device, plan, or kit to aid in the theft of multichannel video information services, and a criminal penalty for sale of such items without sending the name and address of the buyer to the comptroller of public accounts in a timely manner.

### **PURPOSE**

As proposed, H.B. 1876 sets forth provision regarding the theft of or tampering with multichannel video or information systems, and provides penalties.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 31.12, Penal Code, as follows:

Sec. 31.12. New heading: THEFT OF OR TAMPERING WITH MULTICHANNEL VIDEO OR INFORMATION SERVICES. (a) Provides that a person commits an offense if, without the authorization of the multichannel video or information services provider, rather than with the intent to intercept or decode a transmission by a cable television service, the person intentionally or knowingly makes or maintains certain connections, makes certain attachments, or tampers with, modifies, or maintains a modification to certain devices.

(b) Defines “access device,” “connection,” “device,” “encrypted, encoded, scrambled, or other nonstandard signal,” and “multichannel video or information services provider.” Redesignates Subsection (c) as Subsection (b). Deletes existing Subsections (b) and (d)-(f) concerning cable television theft.

(c) Redesignates Subsection (g) as Subsection (c).

(d) Provides that an offense under this section is a Class C, rather than a Class B, misdemeanor unless certain facts are shown on the trial of the offense, in which event the offense is classified as a Class A misdemeanor. Redesignates Subsection (h) as Subsection (d).

(e) Provides that for the purposes of this section, each connection, attachment, modification, or act of tampering is a separate offense. Makes conforming changes.

SECTION 2. Amends Section 31.13, Penal Code, as follows:

Sec. 31.13. New heading: MANUFACTURE, DISTRIBUTION, OR ADVERTISEMENT OF MULTICHANNEL VIDEO OR INFORMATION SERVICES DEVICE. Provides that a person commits an offense if the person, for remuneration, intentionally or knowingly advertises or offers for sale, a kit or part for a device, or a plan for a system of components wholly or partly designed to make intelligible an encrypted, encoded, scrambled, or other nonstandard signal carried or caused by a multichannel video or information services provider, with an intent to aid an offense

under Section 31.12, Penal Code. Defines “encrypted, encoded, scrambled, or other nonstandard signal” and “multichannel video or information services provider.” Deletes the definition of “cable television service.” Makes conforming changes.

SECTION 3. Amends Chapter 31, Penal Code, by adding Section 31.14, as follows:

Sec. 31.14. SALE OR LEASE OF MULTICHANNEL VIDEO OR INFORMATION SERVICES DEVICE. Provides that a person commits an offense if the person intentionally or knowingly sells or leases a device, a kit, or part for a device, or a plan for a system of components wholly or partly designed to make intelligible an encrypted, encoded, scrambled, or other nonstandard signal carried or caused by a multichannel video or information services provider, and fails to send the name and address of the buyer to the comptroller of public accounts (comptroller) by a certain date. Defines “device,” “encrypted, encoded, scrambled, or other nonstandard signal,” and “multichannel video or information services provider.” Provides that this section does not prohibit the sale or lease of satellite receiving antennas that are otherwise permitted by state or federal law without providing notice to the comptroller. Provides that an offense under this section is a Class A misdemeanor.

SECTION 4. Amends Section 134.002(2), Civil Practice and Remedies Code, to redefine “theft.”

SECTION 5. Amends Chapter 404E, Government Code, by adding Section 404.074, as follows:

Sec. 404.074. RECORDS REGARDING SALE OR LEASE OF MULTICHANNEL VIDEO OR INFORMATION SERVICES. Requires the comptroller to maintain a central repository for information received by the comptroller under Section 31.14, Penal Code. Provides that information maintained by the comptroller is subject to the requirements of the open records law, Chapter 552, Government Code.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.