

BILL ANALYSIS

Senate Research Center
76R3861 PEP-F

S.B. 671
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Criminal Justice
3/26/1999
As Filed

DIGEST

Currently, an individual who steals cable services commits a Class B misdemeanor. The average television viewer, however, does not readily know how to steal signals that are provided without a cable connection. Individuals and businesses advertise and sell devices to intercept cable, home satellite systems, and microwave signals. A person may also modify authorized equipment or provide directions to build a device to steal services. The state and the cities lose significant revenue from unpaid taxes and uncollected franchise fees. To curb the growing theft of cable television service, new legislation should target the manufacturing, distribution and selling of prohibited equipment and to expand the prohibitions to include new available technology. S.B. 671 would redefine current law regarding the theft and tampering with multichannel video or information services. S.B. 671 would also reduce the offense from a Class B misdemeanor to a Class C misdemeanor.

PURPOSE

As proposed, S.B. 671 redefines cable stealing and tampering and reduces the offense of using a cable stealing device to a Class C misdemeanor.

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. Provides that a person commits an offense if the person commits certain acts regarding cable attachments and service, 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 without the authorization of the provider of the service. Defines "access device," "connection," and "encrypted, encoded, scrambled, or other nonstandard signal." Redefines "device." Provides that an offense under this chapter is a Class C misdemeanor, rather than a Class B, unless it is shown in trial that the actor committed these same acts previously or committed the offense for remuneration, in which case the offender commits a Class A misdemeanor and is subject to a fine and confinement for certain cases. Provides that each connection, attachment, modification, or act of tampering is a separate offense. Deletes definition for "cable television service." Deletes a presumption that if certain cable altering devices are present on the premises or if a cable device is altered in a certain way then the person intentionally or knowingly used the device to alter cable service. Deletes an exclusion to the preceding presumption a person who proves that the person did not alter the cable service and certain telecommunications companies. Deletes as an offense a person who knowingly committed cable alterations in terms of altering television receiving equipment. Deletes as an offense a person who commits cable alterations in terms of a cable television service and certain acts involving unauthorized use of cable service. 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. Expands the acts that constitute an offense under Section 31.12, including advertising and selling 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, but deletes a device part for a device that intercepts, descrambles, or decodes a cable television service. Provides that this section does not prohibit the manufacture, distribution, advertisement, offer for sale, or use of satellite receiving antennas that are otherwise permitted by state or federal law. Deletes definition for “cable television service.” Defines “encrypted, encoded, scrambled, encoded, scrambled, or other nonstandard signal” and “multichannel video or information services provider.”

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. Establishes that a person commits an offense if the person intentionally or knowingly sells or leases certain devices that 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 by a certain mail service within a certain time frame. 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 Subchapter 404E, Government Code, by adding Section 404.074, as follows:

Sec. 404.074. RECORDS REGARDING SALE OR LEASE OF MULTICHANNEL VIDEO OR INFORMATION SERVICE. Requires the comptroller to retain a central repository for information received by the comptroller under Section 31.14, Penal Code, and maintain the information collected under this section to comply with 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.