



## 2009 SENATE BILL 443

January 7, 2010 – Introduced by Senators PLALE, KREITLOW, SULLIVAN and HOPPER, cosponsored by Representatives ZEPNICK, SOLETSKI, TURNER, HRAYCHUCK, HIXSON, MASON, ZIGMUNT, MONTGOMERY, SUDER and TOWNSEND. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1     **AN ACT** *to amend* 943.45 (3) (a), 943.46 (4) (a) and 943.48 (1m) of the statutes;  
2             **relating to:** theft of communication and video services, civil damages resulting  
3             from the theft of certain services, and providing penalties.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from obtaining without payment telecommunications service and from obtaining without payment video service. A person who violates either prohibition for the first time is subject to a Class C forfeiture. Under this bill, a person who violates either prohibition for the first time is guilty of a Class C misdemeanor.

Under current law if a person who incurs injury as a result of theft of telecommunications service, commercial mobile service, video service, or satellite cable programming prevails in a civil suit against the person who committed the theft, the court must grant the injured person actual damages, costs, and disbursements. The court is not permitted to grant attorney fees unless the person who committed the theft did it willfully and for commercial advantage or was previously convicted for the same violation. This bill permits the court to grant reasonable attorney fees for a first violation without regard to commercial advantage.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

