



**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 191**

September 11, 2013 – Offered by Representative GOYKE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1i.** 943.45 (1) (intro.) of the statutes is amended to read:

4 943.45 (1) (intro.) No person may intentionally obtain ~~or attempt to obtain~~  
5 telecommunications service, as defined in s. 182.017 (1g) (c), after the provider of  
6 the telecommunications services has previously detected service to the person  
7 without payment and disconnected the person’s telecommunications service due to  
8 the lack of payment and has notified the person obtaining the service that the service  
9 was being obtained without payment, by any of the following means:”.

10 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1L**”.

11 **3.** Page 2, line 3: after that line insert:

12 “**SECTION 1p.** 943.46 (2) (a), (b), (c), (d), (e) and (f) of the statutes are amended  
13 to read:

1           943.46 (2) (a) Obtain ~~or attempt to obtain~~ video service from a provider by trick,  
2     artifice, deception, use of an illegal device or illegal decoder or other fraudulent  
3     means with the intent to deprive that provider of any or all lawful compensation for  
4     rendering each type of service obtained after the provider has previously detected  
5     such service to the person without payment, has previously disconnected the  
6     person's service due to the lack of payment, and has notified the person the service  
7     was being obtained without payment. The intent required for a violation of this  
8     paragraph may be inferred from the presence on the property and in the actual  
9     possession of the defendant of a device not authorized by the video service provider,  
10    the major purpose of which is to permit reception of video services without payment.  
11    This inference is rebutted if the defendant demonstrates that he or she purchased  
12    that device for a legitimate use.

13           (b) Give technical assistance or instruction to any person in obtaining ~~or~~  
14    ~~attempting to obtain~~ any video service without payment of all lawful compensation  
15    to the provider providing that service if the actor knows that the provider has  
16    previously detected such service to the person without payment, has previously  
17    disconnected the person's service due to the lack of payment, and has notified the  
18    person obtaining such service that the service was being obtained without payment.  
19    This paragraph does not apply if the defendant demonstrates that the technical  
20    assistance or instruction was given or the installation of the connection, descrambler  
21    or receiving device was for a legitimate use.

22           (c) Make or maintain a connection, whether physical, electrical, mechanical,  
23    acoustical or by other means, with any cables, wires, components or other devices  
24    used for the distribution of video services for the purpose of distributing video service  
25    to any other dwelling unit without authority from a video service provider after the

1 provider has previously detected such connection without payment, has previously  
2 disconnected such connection due to the lack of payment, and has notified the person  
3 that service was being obtained through the connection without payment.

4 (d) Make or maintain a connection, whether physical, electrical, mechanical,  
5 acoustical or by other means, with any cables, wires, components or other devices  
6 used for the distribution of video services for the purpose of obtaining video service  
7 without payment of all lawful compensation to the provider providing that service  
8 after the provider has previously detected such connection without payment, has  
9 previously disconnected such connection due to the lack of payment, and has notified  
10 the person that service was being obtained through the connection without payment.

11 The intent required for a violation of this paragraph may be inferred from proof that  
12 the video service to the defendant's residence or business was connected under a  
13 service agreement with the defendant and has been disconnected by the video service  
14 provider and that thereafter there exists in fact a connection to the video service  
15 network at the defendant's residence or business.

16 (e) Make or maintain any modification or alteration to any device installed with  
17 the authorization of a video service provider for the purpose of intercepting or  
18 receiving any program or other service carried by that provider which that person  
19 is not authorized by that provider to receive after the provider has previously  
20 detected such interception or receipt, has previously disabled the modified or altered  
21 device due to the lack of payment, and has notified the person making or maintaining  
22 the modification or alteration that the program or service was being intercepted or  
23 received without payment. The intent required for a violation of this paragraph may  
24 be inferred from proof that, as a matter of standard procedure, the video service  
25 provider places written warning labels on its converters or decoders explaining that

1 tampering with the device is a violation of law and the converter or decoder is found  
2 to have been tampered with, altered or modified so as to allow the reception or  
3 interception of programming carried by the video service provider without authority  
4 to do so. The trier of fact may also infer that a converter or decoder has been altered  
5 or modified from proof that the video service provider, as a matter of standard  
6 procedure, seals the converters or decoders with a label or mechanical device, that  
7 the seal was shown to the customer upon delivery of the decoder and that the seal  
8 has been removed or broken. The inferences under this paragraph are rebutted if  
9 the video service provider cannot demonstrate that the intact seal was shown to the  
10 customer.

11 (f) Possess without authority any device or printed circuit board designed to  
12 receive from a video service network any video programming or services offered for  
13 sale over that video service network, whether or not the programming or services are  
14 encoded, filtered, scrambled or otherwise made unintelligible, or perform or  
15 facilitate the performance of any of the acts under pars. (a) to (e) with the intent that  
16 that device or printed circuit be used to receive that video service provider's services  
17 without payment after the provider has previously detected such receipt without  
18 payment, has previously disconnected the device or board, and has notified the  
19 person possessing the device or board that the programming or services were being  
20 received without payment. Intent to violate this paragraph for direct or indirect  
21 commercial advantage or private financial gain may be inferred from proof of the  
22 existence on the property and in the actual possession of the defendant of a device  
23 if the totality of circumstances, including quantities or volumes, indicates possession  
24 for resale.”.

25 (END)