
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1192 Session of
1981

INTRODUCED BY MICOZZIE, ARTY, ALDEN, CIVERA, DURHAM AND FREIND,
APRIL 21, 1981

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 21, 1981

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, changing provisions relating to theft
3 of services.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3926 of Title 18, act of November 25,
7 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
8 Statutes, is amended to read:

9 § 3926. Theft of services.

10 (a) Acquisition of services.--

11 (1) A person is guilty of theft if he intentionally
12 obtains services for himself or for another which he knows
13 are available only for compensation, by deception or threat,
14 by altering or tampering with the public utility meter or
15 measuring device or transmission line by which such services
16 are delivered or by causing or permitting such altering or
17 tampering, or by false token or other trick or artifice to
18 avoid payment for the service.

1 (2) As used in this section, the word "service"
2 includes, but is not limited to, labor, professional service,
3 transportation service, the supplying of hotel
4 accommodations, restaurant services, entertainment, cable
5 television service, the supplying of equipment for use, and
6 the supplying of commodities of a public utility nature such
7 as gas, electricity, steam and water, and telephone service.

8 (3) Where compensation for service is ordinarily paid
9 immediately upon the rendering of such service, as in the
10 case of hotels and restaurants, refusal to pay or absconding
11 without payment or offer to pay gives rise to a presumption
12 that the service was obtained by deception as to intention to
13 pay.

14 (b) Diversion of services.--A person is guilty of theft if,
15 having control over the disposition of services of others to
16 which he is not entitled, he knowingly diverts such services to
17 his own benefit or to the benefit of another not entitled
18 thereto.

19 (c) Grading.--

20 (1) [An] Except as otherwise provided for cable
21 television service in paragraph (2.1), an offense under this
22 section constitutes a summary offense when the value of the
23 services obtained or diverted is less than \$50.

24 (2) When the value of the services obtained or diverted
25 is \$50 or more, the grading of the offense shall be as
26 established in section 3903 (relating to grading of theft
27 offenses).

28 (2.1. Any offense under this section involving the theft
29 of cable television service constitutes a summary offense
30 regardless of the value of the services detained or diverted.

1 (3) Amounts involved in theft of services committed
2 pursuant to one scheme or course of conduct, whether from the
3 same person or several persons, may be aggregated in
4 determining the grade of the offense.

5 (d) [Inference from using nonmetered utility service]

6 Inferences.--

7 (1) Any person having possess of or access to the
8 location of a public utility meter or service measuring
9 device which has been avoided or tampered with so as to
10 inhibit or prevent the accurate measurement of utility
11 service and who enjoys the use of or receives the benefit
12 from the public utility service intended to be metered or
13 measured by the public utility meter or measuring device so
14 avoided or tampered with may be reasonably inferred to have
15 acted to avoid or tamper with the public utility meter or
16 measuring device with the intent to obtain the public utility
17 service without making full compensation therefor.

18 (2) Any person having possession of or access to the
19 location of the transmission lines and related facilities of
20 a cable television system which have been tapped, altered or
21 tampered with so as to avoid payment for all or any part of
22 the services provided and who enjoys the use of or receives
23 the benefit from the cable television service for which
24 payments are normally required, may be reasonably inferred to
25 have acted to have tapped, altered or tampered with the cable
26 television facilities with the intent to obtain the cable
27 television service without making full compensation therefor.

28 (e) Sale or transfer of device or plan intended for
29 acquisition or diversion.--A person is guilty of a misdemeanor
30 of the third degree if he sells, gives or otherwise transfers to

1 others or offers, advertises or exposes for sale to others, any
2 device or plan for the making of such device or other
3 instructional procedure, under circumstances indicating his
4 having knowledge or reason to believe that such device, plan or
5 instructional procedure is intended for use by such others for
6 the acquisition or diversion of services as set forth in
7 subsections (a) and (b).

8 Section 2. This act shall take effect in 60 days.