

48:5A-52

LEGISLATIVE HISTORY CHECKLIST

(Cable Television Act amendment--municipal court jurisdiction over certain offenses)

HJSA 48:5A-52

LAWS OF 1977

CHAPTER 352

Bill No. A3461

Sponsor(s) Hamilton

Date Introduced July 11, 1977

Committee: Assembly Judiciary, Public Safety & Defense

Senate -----

Amended during passage	Yes	No	Assembly Committee Substitute enacted.
Date of Passage: Assembly	<u>Nov. 28, 1977</u>		
Senate	<u>Dec. 15, 1977</u>		
Date of approval	<u>Jan. 30, 1978</u>		

Following statements are attached if available:

Sponsor statement	Yes	<del>Yes</del>
Committee Statement: Assembly	<del>Yes</del>	No
Senate	<del>Yes</del>	No
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

9/1/78  
M.S.

KB

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3461**

**STATE OF NEW JERSEY**

By Assemblyman HAMILTON

ADOPTED OCTOBER 3, 1977

AN ACT concerning cable television and amending section 52 of  
P. L. 1972, c. 186.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 52 of P. L. 1972, c. 186 (C. 48:5A-52) is amended to  
2 read as follows:

3 52. **It is unlawful for any person to willfully or maliciously**  
4 **damage or cause to be damaged any wire, cable, conduit, apparatus**  
5 **or equipment of a company operating a CATV system, or to commit**  
6 **any act with intent to cause such damage, or to tap, tamper with**  
7 **or connect any wire or device to a wire, cable, conduit, apparatus**  
8 **or equipment of a company operating a CATV system with intent**  
9 **to obtain a signal or impulse therefrom without authorization or**  
10 **compensation of such company, or to obtain cable television ser-**  
11 **vice with intent to cheat or defraud such company. Whoever**  
12 **violates any of the provisions of this section shall be subject to**  
13 **the penalties provided in section 52 of this act, and in addition**  
14 **shall be liable for treble damages in any civil action brought under**  
15 **authority of this section.**

16 *a. As used in this section:*

17 (1) *“Cable television” shall include cable television reception*  
18 *service as defined in subsection e of section 3 of this act, as well*  
19 *as the provision of any other impulse or signal by a cable television*  
20 *company or other service lawfully provided utilizing the facilities*  
21 *of the system;*

22 (2) *“Cable television company” shall include the definition as*  
23 *defined in subsection g of section 3 of this act, as well as any other*  
24 *person or entity lawfully providing any services whatsoever utiliz-*  
25 *ing the facilities of a cable television system.*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

26 *b. Any person who willfully or maliciously damages or causes*  
 27 *to be damaged any wire, cable, conduit, apparatus or equipment of*  
 28 *a cable television company operating a cable television system, or*  
 29 *commits any act with intent to cause such damage, or who taps,*  
 30 *tampers with or connects any wire or device to any wire, cable,*  
 31 *conduit, apparatus or equipment of a cable television company*  
 32 *operating a CATV system, with intent to obtain cable television*  
 33 *service without authorization or compensation or to otherwise*  
 34 *defraud, is a disorderly person.*

35 *c. The existence of any of the conditions with reference to wires,*  
 36 *cables, conduits, apparatus or equipment described in subsection b.,*  
 37 *is presumptive evidence that the person to whom cable television*  
 38 *service is at the time being furnished has, with intent to obtain*  
 39 *cable television service without authorization or compensation or*  
 40 *to otherwise defraud, created or caused to be created the condition*  
 41 *so existing.*

1 2. This act shall take effect immediately.

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#### STATEMENT

The Office of the Attorney General has rendered an advisory opinion which indicates that under the Cable Television Act as presently written, municipal courts do not have jurisdiction to hear prosecutions involving deliberate interference or tampering with cable television systems. The purpose of this bill is to confer jurisdiction on the municipal court for such offenses by classifying deliberate interference or tampering with cable television systems a disorderly persons offense. This would make the prosecutorial jurisdiction over and the potential punishment for the offense of interference or tampering with cable television the same as the prosecutorial jurisdiction and potential punishment set forth for interference or tampering with other public services (i.e. gas, electric, water, telephone).

The bill would also create certain legal presumptions with regard to the presence of tampering devices which are applicable in cases of interference or tampering with other public services, applicable to cases involving interference or tampering with cable television systems.

ASSEMBLY, No. 3461

STATE OF NEW JERSEY

INTRODUCED JULY 11, 1977

By Assemblyman HAMILTON

Referred to Committee on Judiciary, Public Safety and Defense

AN ACT to amend the "Cable Television Act," approved December 15, 1972 (P. L. 1972, c. 186).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 51 of P. L. 1972, c. 186 (C. 48:5A-51) is amended to  
2 read as follows:

3 51. a. Any person or any officer or agent thereof who shall know-  
4 ingly violate any of the provisions of this act or aid or advise in  
5 such violation, or who, as principal, manager, director, agent,  
6 servant or employee knowingly does any act comprising a part of  
7 such violation, is guilty of a misdemeanor.

8 b. Any person who shall violate any provision of this act or  
9 any rule, regulation or order duly promulgated hereunder, shall  
10 be liable to a penalty of not more than \$500.00 for a first offense,  
11 not less than \$100.00 nor more than \$1,000.00 for a second offense,  
12 and not less than \$500.00 nor more than \$1,000.00 for a third and  
13 every subsequent offense. The penalties provided in this subsec-  
14 tion shall be enforced by summary proceedings instituted by the  
15 board in the name of the State in accordance with the "Penalty  
16 Enforcement Law" (N. J. S. 2A:58-1 et seq.). The Superior Court,  
17 County Court, county district court and the municipal courts shall  
18 all have jurisdiction to enforce [said "Penalty Enforcement Law"  
19 in connection with] this act.

20-21 c. Whenever it shall appear to the board that any person has  
22 violated, intends to violate, or will violate any provisions of this  
23 act or any rule, regulation or order duly promulgated hereunder,  
24 the board may institute a civil action in the Superior Court for  
25 injunctive relief and for such other relief as may be appropriate  
26 in the circumstances, and the said court may proceed in any such  
27 action in a summary manner.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

1 2. Section 52 of P. L. 1972, c. 186 (C. 48:5-52) is amended to  
2 read as follows:

3 52. It is unlawful for any person to willfully or maliciously  
4 damage or cause to be damaged any wire, cable, conduit, apparatus  
5 or equipment of a company operating a CATV system, or to commit  
6 any act with intent to cause such damage, or to tap, tamper with  
7 or connect any wire or device to a wire, cable, conduit, apparatus  
8 or equipment of a company operating a CATV system with intent  
9 to obtain a signal or impulse therefrom without authorization or  
10 compensation of such company, or to obtain cable television ser-  
11 vice with intent to cheat or defraud such company. Whoever  
12 violates any of the provisions of this section shall be subject to  
13 the penalties provided in section **[52]** 51 of this act, and in addition  
14 shall be liable for treble damages in any civil action brought under  
15 authority of this section *and subject to prosecution by the Attorney*  
16 *General or municipal prosecutors as a disorderly person.*

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to clarify a provision of the "Cable Television Act," P. L. 1972, c. 186. In addition, this bill makes the terms applicable to the described violations similar to those which currently exist with respect to public utilities.

Specifically, there is apparently some confusion as to the proper authority with jurisdiction to prosecute violations. The Office of the Attorney General has rendered an advisory opinion which indicates that such matters may not be prosecuted by a municipal prosecutor in a municipal court. It is felt that, as with like violations involving public utilities, the municipal court is the proper place for jurisdiction, and this bill expressly authorizes such jurisdiction.

In addition, the bill provides that the degree of punishment applicable to violations of this section shall be in accordance with those pertaining to disorderly persons offenses.