

2C: 20-8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C: 20-8

(Utilities-theft of services-disorderly persons)

LAWS OF: 1985

CHAPTER: 10

Bill No: A1335

Sponsor(s): Kalik

Date Introduced: February 23, 1984

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: June 21, 1984

Senate: Nov. 29, 1984

Date of Approval: January 16, 1985

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill amends N.J.S. 2C:20-8 to create a disorderly persons offense for using and electrical outlet, cable or conductor or gas or water connection on the property of an owner, without his permission and for the purpose of obtaining electric current, gas or water with intent to defraud the property owner.

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1335

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Assemblywoman KALIK

AN ACT concerning the theft of certain electric current, gas, water or cable television services and amending N. J. S. 2C:20-8.

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

1 1. N. J. S. 2C:20-8 is amended to read as follows:

2 2C:20-8. Theft of Services. a. A person is guilty of theft if he
 3 purposely obtains services which he knows are available only for
 4 compensation, by deception or threat, or by false token, slug, or
 5 other means, including but not limited to mechanical or electronic
 6 devices or through fraudulent statements, to avoid payment for
 7 the service. "Services" include labor, professional service, trans-
 8 portation, telephone, or other public service, accommodation in
 9 hotels, restaurants or elsewhere, entertainment, admission to ex-
 10 hibitions, use of vehicles or other movable property. Where com-
 11 pensation for service is ordinarily paid immediately upon the
 12 rendering of such service, as in the case of hotels and restaurants,
 13 absconding without payment or offer to pay gives rise to a
 14 presumption that the service was obtained by deception as to inten-
 15 tion to pay.

16 b. A person commits theft if, having control over the disposition
 17 of services of another, to which he is not entitled, he knowingly
 18 diverts such services to his own benefit or to the benefit of another
 19 not entitled thereto.

20 c. Any person who, without permission and for the purpose of
 21 obtaining electric current, gas or water with intent to defraud any
 22 vendor of electricity, gas or water *or a person who is furnished by*
 23 *a vendor with electric current, gas or water:*

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted April 30, 1984.**

24 (1) Connects or causes to be connected by wire or any other
 25 device with the wires, cables or conductors of any such vendor *or
 25A *any other person**; or

26 (2) Connects or disconnects the meters, pipes or conduits of such
 27 vendor *or *any other person** or in any other manner tampers or
 28 interfere with such meters, pipes or conduits, or connects with such
 29 meters, pipes or conduits by pipes, conduits or other instruments—
 30 is guilty of a disorderly persons offense.

31 The existence of any of the conditions with reference to meters,
 32 pipes, conduits or attachments, described in this section, is pre-
 33 sumptive evidence that the person to whom gas, electricity or water
 34 is at the time being furnished by or through such meters, pipes,
 35 conduits or attachments has, with intent to defraud, created or
 36 caused to be created with reference to such meters, pipes, conduits
 37 or attachments, the condition so existing; provided, however, that
 38 the presumption shall not apply to any person so furnished with
 39 gas, electricity or water for less than 31 days or until there has been
 40 at least one meter reading.

40A **A violation of this section shall be deemed to be a continuing*
 40B *offense as long as the conditions described in this section exist.**

41 d. Any person who, without permission or authority, connects
 42 or causes to be connected by wires or other devices, any meter
 43 erected or set up for the purpose of registering or recording the
 44 amount of electric current supplied to any customer by any vendor
 45 of electricity within this State, or changes or shunts the wiring
 46 leading to or from any such meter, or by any device, appliance or
 47 means whatsoever tampers with any such meter so that the meter
 48 will not measure or record the full amount of electric current sup-
 49 plied to such customer, is guilty of a disorderly persons offense.

50 The existence of any of the conditions with reference to meters
 51 or attachments described in this subsection or in subsection c. is
 52 presumptive evidence that the person to whom electricity is at the
 53 time being furnished by or through such meters or attachments has,
 54 with intent to defraud, created or caused to be created with refer-
 55 ence to such meters or attachments, the condition so existing; pro-
 56 vided, however, that the presumption shall not apply to any person
 57 so furnished with electricity for less than 31 days or until there
 58 has been at least one meter reading.

58A **A violation of this section shall be deemed to be a continuing*
 58B *offense as long as the conditions described in this section exist.**

59 e. Any person who, with intent to obtain cable television service
 60 without payment, in whole or in part, of the lawful charges therefor,
 61 or with intent to deprive another of the lawful receipt of such ser-

62 vice, damages, cuts, tampers with, installs, taps or makes any con-
63 nection with, or who displaces, removes, injures or destroys any
64 wire, cable, conduit, apparatus or equipment of a cable television
65 company operating a CATV system; or who, without authority of
66 a cable television company, intentionally prevents, obstructs or
67 delays, by any means or contrivance, the sending, transmission, con-
68 veyance, distribution or receipt of programming material carried
69 by equipment of the cable television company operating a CATV
70 system, is a disorderly person.

71 The existence of any of the conditions with reference to wires,
72 cables, conduits, apparatus or equipment described in this subsec-
73 tion is presumptive evidence that the person to whom cable tele-
74 vision service is at the time being furnished has, with intent to
75 obtain cable television service without authorization or compensa-
76 tion or to otherwise defraud, created or caused to be created the
77 condition so existing.

78 f. Any person who purposely or knowingly manufactures, con-
79 structs, sells, offers for sale, distributes or installs any equipment,
80 device or instrument designed or intended to facilitate the intercep-
81 tion, decoding or receipt of any cable television service with intent
82 to obtain such service and avoid the lawful payment of the charges
83 therefor to the provider, in whole or in part, is a disorderly person.

84 Any communications paraphernalia prohibited under this sub-
85 section shall be subject to forfeiture and may be seized by the State
86 or any law enforcement officer in accordance with the provisions of
87 N. J. S. 2C:64-1 et seq.

88 g. Any person who purposely or knowingly maintains or pos-
89 sesses any equipment, device or instrument of the type described
90 in subsection f. of this section or maintains or possesses any equip-
91 ment, device or instrument actually used to facilitate the intercep-
92 tion, decoding or receipt of any cable television service with intent
93 to obtain such service and avoid the lawful payment, in whole or in
94 part, of the charges therefor to the provider, is a disorderly person.

95 Any communications paraphernalia prohibited under this sub-
96 section shall be subject to forfeiture and may be seized by the State
97 or any law enforcement officer in accordance with the provisions of
98 N. J. S. 2C:64-1 et seq.

1 2. This act shall take effect immediately.

67 delays, by any means or contrivance, the sending, transmission, con-
68 veyance, distribution or receipt of programming material carried
69 by equipment of the cable television company operating a CATV
70 system, is a disorderly person.

71 The existence of any of the conditions with reference to wires,
72 cables, conduits, apparatus or equipment described in this subsec-
73 tion is presumptive evidence that the person to whom cable tele-
74 vision service is at the time being furnished has, with intent to
75 obtain cable television service without authorization or compensa-
76 tion or to otherwise defraud, created or caused to be created the
77 condition so existing.

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79 structs, sells, offers for sale, distributes or installs any equipment,
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90 in subsection f. of this section or maintains or possesses any equip-
91 ment, device or instrument actually used to facilitate the intercep-
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93 to obtain such service and avoid the lawful payment, in whole or in
94 part, of the charges therefor to the provider, is a disorderly person.

95 Any communications paraphernalia prohibited under this sub-
96 section shall be subject to forfeiture and may be seized by the State
97 or any law enforcement officer in accordance with the provisions of
98 N. J. S. 2C:64-1 et seq.

1 2. This act shall take effect immediately.

STATEMENT

This bill amends N. J. S. 2C:20-8 to create a disorderly persons offense for using an electrical outlet, cable or conductor or gas or water connection on the property of an owner, without his permission and for the purpose of obtaining electric current, gas or water with intent to defraud the property owner.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1335

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 26, 1984

This bill, as amended by the committee, provides as theft of services under N. J. S. 2C:20-8(c) the unlawful use of an electrical outlet, cable or conductor or gas or water connection of any person who is furnished by the vendor or any other person with this service, without the person's permission and for the purpose of obtaining electric current, gas or water with intent to defraud.

Presently, it is theft of services for a person to deprive the vendor of these services. Under this bill both types of services are punishable as disorderly persons offenses.

The committee amended the bill to further provide that any violation under N. J. S. 2C:20-8(c) or N. J. S. 2C:20-8(d) is to be considered as a continuing offense as long as the conditions described in the section exist.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1335

STATE OF NEW JERSEY

DATED: OCTOBER 22, 1984

N. J. S. 2C:20-8 (Theft of Services) presently prohibit the unauthorized use of electric, gas, water or cable television service with the intent to defraud the seller of that service. This bill would clarify that the unauthorized use of such services with the intent to defraud the person who is being furnished the service by the seller is also covered by N. J. S. 2C:20-8.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001
Contact: PAUL WOLCOTT
609-292-8956

TRENTON, N.J. 08625
Release: WED., JAN. 16, 1985

Governor Thomas H. Kean has signed the following bills:

A-683, sponsored by Assemblyman Nicholas Felice, R-Bergen, which establishes a procedure by which the Division of Youth and Family Services may recover full or partial reimbursement from the legally responsible person for the amounts spent for maintenance of a child in its custody. The bill authorizes the Division to seek a lien against the property of the responsible party and or obtain a court order to enforce collection.

A-1319, sponsored by Assemblyman John A. Girgenti, D-Passaic, which strengthens the certification standards for municipal tax collectors by requiring that applicants for the certification examination must furnish proof of two years full-time experience in tax collection.

A-1335, sponsored by Assemblywoman Barbara F. Kalik, D-Burlington, which amends the statute governing theft of services to make it a disorderly persons offense to obtain utility services, including electricity, gas, water or cable television services fraudulently from another individual. Previously, the statute applied only to services taken from a vendor.

S-812, sponsored by State Senator Donald T. DiFrancesco, R-Union, which makes technical amendments to the Motor Fuels Use Tax of 1963 and increases fees and penalties.

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