

1 AN ACT relating to theft of services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 514.060 is amended to read as follows:

4 (1) A person is guilty of theft of services when:

5 (a) The person intentionally obtains services by deception or threat or by false
6 token or other means to avoid payment for the services which he or she knows
7 are available only for compensation;

8 (b) The person intentionally obtains wireless communications services or access
9 to services by any of the following means:

10 1. Unauthorized interception of any electronic serial number, mobile
11 identification number, personal identification number, or like identifying
12 number;

13 2. Unauthorized interception of any cellular service or personal
14 communications service as terms may be defined in 47 C.F.R. parts 22
15 and 24 respectively;

16 3. Unauthorized interception of any similar telephone service; or

17 4. Use of deception, threat, or other means to avoid payment for the
18 services which the person knows are available only for charge or
19 compensation;~~or~~

20 (c) Having control over or unauthorized access to the use of the services of others
21 to which the person is not entitled, the person intentionally diverts the services
22 to the person's own benefit or the benefit of another not entitled thereto; **or**

23 **(d) Having control of rental equipment under a written rental agreement, the**
24 **person:**

25 **1. Intentionally holds the equipment beyond the expiration of the rental**
26 **period without the consent of the owner of the equipment;**

27 **2. Intentionally deprives the owner of the equipment of its use in further**

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rentals;

3. Intentionally refuses to pay or absconds without payment;

4. Fails to respond within five (5) days after receiving notice by certified mail demanding return; and

5. Refuses to make an agreeable payment to a rental agency within thirty (30) days of receipt of a late notice to a person sent by certified mail, return receipt requested.

(2) Where compensation for services is ordinarily paid immediately upon the rendering of the services, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay shall be prima facie evidence that the services were obtained by deception as to intention to pay.

(3) In any prosecution for theft of gas, water, electricity, or other public service, where the utility supplying the service had installed a meter or other device to record the amount of service supplied, proof that:

(a) The meter or other device has been altered, tampered with, or bypassed in a manner so as to prevent or reduce the recording thereof; or

(b) Service has been, after having been disconnected by the utility supplying service, reconnected without authorization of the utility

shall be prima facie evidence of the intent to commit theft of service by the person or persons obligated to pay for service supplied through the meter or other device.

(4) Theft of services is a Class B misdemeanor unless:

(a) The value of the service is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;

(b) The value of the service is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;

(c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony.

1 The five (5) year period shall be measured from the dates on which the
2 offenses occurred for which the judgments of conviction were entered; or

3 (d) The value of the service is ten thousand dollars (\$10,000) or more, in which
4 case it is a Class C felony.

5 (5) If any person commits two (2) or more separate offenses of theft of services within
6 ninety (90) days, the offenses may be combined and treated as a single offense, and
7 the value of the property in each offense may be aggregated for the purpose of
8 determining the appropriate charge.