

HOUSE AMENDMENT 2 TO HB1229.

striking the "\$" as it appears on line 9 of the TITLE and substituting therefor the following:

"§§ 5-37-402 AND"

AND, by striking Section 1 in its entirety and substituting therefor the following:

SECTION 1. Arkansas Code Annotated § 5-37-402 is amended to read as follows:

"5-37-402 Theft of cable television services.

A person commits theft of cable television services if he:

(1) Obtains or attempts to obtain cable television service from another by any means, artifice, trick, deception, or device without the payment to the operator of the service of all lawful compensation for each type of service obtained;

(2) Assists or instructs any other person in obtaining or attempting to obtain any cable television service without the payment to the operator of all lawful compensations;

(3) Tamper or otherwise interferes with or connects to by any means, whether mechanical, electrical, acoustical, or other means, any cables, wires, or other devices used for the distribution of cable television without authority from the operator of the service;

(4) Makes or maintains any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by such company which such person is not authorized by such company to receive;

(5) Possesses any device designed in whole or in part to decode, descramble, or otherwise make intelligible any encoded, scrambled, or other nonstandard signal carried by a cable television company with the intent that the device be used for the theft of the company's service;

~~(5)~~ (A) Manufactures, imports into this state, distributes, sells, leases, or offers, ~~possesses,~~ or advertises for sale or lease any device, or any plan or kit for a device or for a printed circuit designed in whole or in part to decode, descramble, or otherwise make intelligible any encoded, scrambled, or other nonstandard signal carried by a cable television company with the intent that the device, plan, or kit be used for the theft of the company's service.

(B) However, nothing in this subsection shall be construed to prohibit the manufacture, importation, sale, lease, or possession of any television device possessing the internal hardware necessary to receive cable television signals without the use of a converter, device, or box, or of any television advertised as _cable ready_; or

(6) Manufactures, imports into this state, distributes, sells, or offers for sale, rental, or use, any device of any description, or any plan or kit for a device, designed in whole or in part to facilitate the unlawful performance of any of the acts set out in this section."

SECTION 2. Arkansas Code Annotated § 5-37-403 is amended to read as follows:

"5-37-403. Violation.

Any person violating the provisions of § 5-37-402 shall, upon conviction, be guilty of a Class B misdemeanor- except for violations of subparagraph (6)(A), any person violating the provisions of § 5-37-402(6)(A) shall, upon conviction, be guilty of a Class D felony."

AND

by appropriately renumbering subsequent sections.