

CHAPTER 12.1-23.1 THEFT OF CABLE TELEVISION

12.1-23.1-01. Theft of cable television services - Penalty.

A person is guilty of a class B misdemeanor if the person:

1. Knowingly obtains or attempts to obtain cable television service from another by any means, artifice, trick, deception, or device without the payment to the cable television operator of all lawful compensation for each type of service obtained;
2. Knowingly assists or instructs any other person in obtaining or attempting to obtain any cable television service without the payment to the cable television operator of all lawful compensation for each type of service obtained or attempted to be obtained;
3. Knowingly tampers, diverts from, 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 cable television operator; or
4. Knowingly manufactures, imports into this state, distributes, sells, offers for sale or rental, possesses for sale, or advertises for sale, any device, plan or kit for a device, or printed circuit, designed to unlock, decode, descramble, or otherwise make intelligible any locked, encoded, scrambled, or other nonstandard signal carried by the cable television system, thereby facilitating the doing of any acts specified in subsections 1, 2, and 3.

12.1-23.1-02. Civil penalties for theft of cable television services.

1. Any person who violates subsection 1, 2, or 3 of section 12.1-23.1-01 is liable to the franchised or otherwise duly licensed cable television system for the greater of one thousand dollars or three times the amount of actual damages, if any, sustained by the system, plus reasonable attorney fees.
2. Any person who violates subsection 4 of section 12.1-23.1-01 is liable to the franchised or otherwise duly licensed cable television system for the greater of ten thousand dollars or three times the amount of actual damages, if any, sustained by the plaintiff, plus reasonable attorney fees. A second or subsequent conviction is punishable by the greater of twenty thousand dollars or three times the amount of actual damages, if any, plus reasonable attorney fees.

12.1-23.1-03. Theft of cable television services - Action - Injunction - Property forfeiture.

1. Any franchised or otherwise duly licensed cable television system may bring an action to enjoin and restrain violation of section 12.1-23.1-01 or an action for conversion, or both, and may in the same action seek damages as provided for in section 12.1-23.1-02.
2. Any communications paraphernalia prohibited under section 12.1-23.1-01 may be seized and, upon conviction, is forfeited to the jurisdiction where the arrest was made. The paraphernalia may be, pursuant to court order, sold or destroyed.
3. It is not a necessary prerequisite to an action pursuant to section 12.1-23.1-02 that the plaintiff has suffered, or is threatened with, actual damages.

12.1-23.1-04. Amateur radio communications - Exemption.

This chapter shall not be construed to prevent the manufacture, importation, distribution, sale, offer for sale or rental, possession for sale, or advertisement for sale, any device, plan or kit for a device, or printed circuit, used by federally-licensed amateur radio (ham) operators for amateur radio communications as permitted under 47 CFR 91.7 et seq.