



Legislation Text

File #: 31585, Version: 1

**Fiscal Note**

There may be a small increase in General Fund revenues derived from fines and forfeitures.

**Title**

Creating Section 36.06 and amending Section 1.08(3)(a) of the Madison General Ordinances to make theft of cable and satellite services enforceable as a violation in the City of Madison.

**Body**

DRAFTER'S ANALYSIS: A similar ordinance previously existed in Madison but was eventually repealed due to changes in franchising rules. The State has handled prosecution for theft of cable and satellite services since that time, but enforcement at the local level is believed to be more efficient. Theft of cable and satellite services brings an overall rise in costs for those who have legitimate service subscriptions. This ordinance is similar to Wis. Stat. § 943.46 and adopts § 943.47. The penalties are similar to those for retail theft and include a provision for restitution.

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The Common Council of the City of Madison do hereby ordain as follows:

- 1. Section 36.06 entitled "Theft of Cable and Satellite Cable Programming" of the Madison

General Ordinances is created to read as follows:

**"36.06 THEFT OF CABLE AND SATELLITE CABLE PROGRAMMING.**

- (1) It shall be unlawful for any person to intentionally:
  - (a) Obtain or attempt to obtain video service without paying all lawful compensation to the operator of such service, by means of artifice, trick, deception or device; or
  - (b) Assist another person in obtaining or attempting to obtain video service without paying all lawful compensation to the operator of such service; or
  - (c) Connect to, tamper with or otherwise interfere with any cable, wire or other device used for the distribution of a video service if the effect of such action is the obtaining of a video service without paying all lawful compensation therefore; or
  - (d) Sell, use, manufacture, rent or offer for sale, rental or use any device, plan or kit designed and intended to obtain video service in violation of this section; or
  - (e) Attempt to connect to, tamper with, or otherwise interfere with any cable television signal, cables, wires, devices or equipment used for the distribution of video services and which results in the unauthorized use of a video service or the disruption of the delivery of the video service. Nothing in this section shall be construed to prohibit, restrict or otherwise limit the purchase, sale or use of any products, including without limitation hardware, software, or other items, intended to provide services and features to a customer who has lawfully obtained a connection from a video service provider.
- (2) The intent required for a violation of this paragraph may be inferred from proof that the video service to the defendant's residence or business was previously disconnected by the video service provider and that thereafter exists in fact a connection to the video service network at the defendant's residence or business.
- (3) This subsection incorporates by reference Wis. Stat. § 943.47 (1), (2) and (5).

(4). Penalty.

- (a) Any person violating any section of this ordinance shall be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), exclusive of costs.
- (b) Any person violating any section of this ordinance may be subject to restitution as set forth in Wis. Stat. § 800.093."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Theft of cable service and satellite	36.06	\$300, 1 <sup>st</sup>
cable programming.		\$500, 2 <sup>nd</sup>
		\$750, 3 <sup>rd</sup> "