

One definition of "Theft of Service" is the existence, on the property and in the actual possession of the accused, of any connection wire, or conductor, which is connected in a manner as to permit the use of cable or satellite television service **without the being reported for payment to and specifically authorized by the operator of the television service** shall be sufficient to conclude that the accused has committed the crime of theft of cable television service.

Under current laws if the violations are wilful, such as providing "free" cable to a tenant or to create financial gain or commercial advantage, such as charging for the cable as part of the rent, the guilty party can receive fines of up to **\$500,000 and up to five years in prison** for a first offence and don't forget the criminal record.

Criminal Conspiracy

Definition - A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he: agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

The agreement need not be explicit but may be implicit in the fact of collaboration or existence of other circumstances.

A conspiracy is a continuing course of conduct, which terminates when the crime or crimes, which are its object, are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired.

Accomplices - A person is a co-conspirator of an offence if he commands, induces, procures, or aids the other to commit it or, having a legal duty to prevent its commission, he fails to make proper effort to do so

Liability as Accomplice - Accomplice liability for offences committed in furtherance of the conspiracy is the same as that of a principal conspirator.

Jurisdiction - There is federal jurisdiction over the crime of conspiracy. The offence may be tried, in any place, regardless of where the offence was committed.

One positive note - A person may not be convicted of both conspiracy to commit a crime and the completed crime.

However, any person who commits the act of criminal conspiracy **shall** be punishable with imprisonment in a Federal Penitentiary for a period of between **five to fifteen years**.

The Address Below Was Audited on

Date: _____ Time: _____

Address: _____

Auditor's Referral #: _____

Our field auditors have verified that there is severe and possibly hazardous signal leakage or other irregularities with your cable or satellite signal reception. To have one of our technicians correct this problem for you, **FREE of CHARGE**. please call:

1-877-227-8463

Failure to contact this number **within 24 hours** may result in loss of signal to this address and the **cancellation** of the **FREE of CHARGE** offer and the possible loss of amnesty.

Disclaimer - The intention of the material provided in this brochure is to inform consumers of the legislation governing theft of cable and satellite communication signals in North America and of the criminal offences and penalties under the law. This material is not a complete listing of all the legislation and penalties, but rather a cross section of the more important ones. Should you wish to obtain information that is more detailed we recommend that you consult copies of the original legislation, available from the source, or that you seek the advice of a competent legal council.

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ACT NOW
STOP
CABLE THEFT

ATTENTION:

**THERE COULD BE
A THIEF IN YOUR
NEIGHBORHOOD...
...A CABLE THIEF.**



**Some of The Laws You Have Broken When You
Have Been Caught Stealing Cable or Satellite Signal
Anywhere In North America**

Splice or Tap into **any** TV Cable or Satellite System without permission
and **you will have committed ALL of these offences, and more:**

#1 Wire Tap



Followed By:

Digital Millennium
Copyright Act

F.C.C Regulations

Criminal Code

Radio & Television Regulations

Radio Communications Act

Industry Canada Regulations

Because You Have Broken These
Laws You **Are** Guilty of:

Criminal Conspiracy

Just To Name A Few

If Convicted, You will:

- Have a **Criminal Record**
- You **will** be fined heavily!
- You could **go to jail!**
- You **will not** be issued a passport
- It **will** go on your employment record!
- And it **will** rob you of your future, as you see it
- You May Be Refused Both Cable and Satellite Services
- Civil Action May Be Taken For Costs & Damages

Bush-Waterhouse
 **Audit Services**

1-877-225-8463

If You Are Paying Your Bill, Why Aren't They?



Help Target Cable Theft

Wire and Electronic Communications Interception (Wire Tap)

Definitions

- **"wire communication"** means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, **cable**, or other like connection.
- **"oral communication"** means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation
- **"intercept"** means the **acquisition** of the contents of **any wire**, electronic, or oral communication through the use of any electronic, mechanical, or other device;
- **"electronic, mechanical, or other device"** means **any device** or apparatus which can be used to intercept a wire, oral, or electronic communication
- **"aggrieved person"** means a person who was a party to any intercepted wire, oral, or electronic communication or a person against whom the interception was directed;
- **"electronic communication"** means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system that affects interstate or foreign commerce
- **"electronic communications system"** means **any wire**, radio, electromagnetic, photooptical or photoelectronic facilities **for the transmission of electronic communications**,

Offences

The essential elements of a violation are:

- 1) the intercepting, endeavouring to intercept, or procuring any other person to intercept a wire, oral, or electronic communication; and
- 2) the doing of such acts intentionally.

An **electronic communication** must be made through a system that affects interstate or foreign commerce.

Prohibitions

The law prohibits the **unauthorized interception**, disclosure, and **use of wire**, oral, or electronic communications. The prohibitions are absolute. Consequently, unless an interception is specifically authorized by signal provider or the courts, it is impermissible and, assuming existence of the requisite criminal intent, is in violation of the wiretap laws.

The wiretap laws are a blanket prohibition against the intentional interception, endeavour to intercept, or procurement of another person to intercept or endeavour to intercept any wire, oral, or electronic communication.

Penalties

The **basic penalty** provision for the intentional interception of a wire, oral, or electronic communication is **five years imprisonment** and a fine. In addition, if the interception is the private or **home viewing of a private cable or satellite video communication**, the offence requires a mandatory **\$500** civil fine.



Theft of Cable TV IS a Crime!

Digital Millennium Copyright Act of 1998

12.01 - **CIRCUMVENTION OF COPYRIGHT** - (a) Violations Regarding Circumvention

- a) **No person shall circumvent a technological measure that effectively controls access to a work protected under this title.**

(**Note:** This includes illegally received TV broadcasts whether delivered via cable or satellite and has **severe penalties**)

12.03 - **CIVIL ACTIONS** - **Any person injured by a violation of section 12.01 may bring a civil action in an appropriate court for such violation.**

POWERS OF THE COURT

In an action brought under *subsection (a)*, the court may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain a violation,

AWARD OF DAMAGES

(1) **IN GENERAL.**— Except as otherwise provided in this title, a person committing a violation of section 12.01 is liable for either the actual damages and any additional profits of the violator, as provided in paragraph (2), or (B) statutory damages, as provided in paragraph (3)

(2) ACTUAL DAMAGES.

The court shall award to the complaining party the actual damages suffered by the party as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered.

(3) STATUTORY DAMAGES.

At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for **each violation (i.e. - per channel per day)** of section 12.01 in the sum of not less than \$200 US or more than **\$2,500 USD per act of circumvention, device, product, component, offer, or performance of service**, as the court considers just.

At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages **for each violation** of section 12.02 in the sum of not less than **\$2,500 USD** or more than **\$25,000 USD**.

12.04 **CRIMINAL OFFENSES AND PENALTIES.** (a) In General: **Any Person** who violates section 12.01 wilfully and for purposes of commercial advantage or private financial gain (**such as, including "free" cable or satellite signal as part of the rent package or having a tenant pay a minimal charge directly to the landlord for the service**)

1. shall be fined not more than **\$500,000 USD** or **imprisoned for not more than 5 years**, or **both**, for the **first offence**; and
2. shall be fined not more than **\$1,000,000 USD** or **imprisoned for not more than 10 years**, or **both**, for any subsequent offence.

STATUTE OF LIMITATIONS

No criminal proceeding shall be brought under this section unless such proceeding is commenced **within five years** after the cause of action arose.



Theft of Satellite TV IS a Crime!

FCC - Telecommunications Act of 1996
http://www.ncta.com/pdf_files/statutes.pdf

UNAUTHORIZED RECEPTION OF CABLE SERVICE

SECTION 633 states that (a)(1) No person shall intercept or receive or assist in intercepting or receiving any communications service offered over a cable system or satellite cable programming, unless specifically authorized to do so by a cable operator or as may otherwise be specifically authorized by law.

(2) For the purpose of this section, the term "assist in intercepting or receiving" shall include the manufacture or distribution of equipment intended by the manufacturer or distributor (as the case may be) for unauthorized reception of any communications service offered over a cable system or satellite cable programming in violation of subparagraph (1).

(b)(1) Any person who wilfully violates subsection (a)(1) shall be fined not more than **\$1,000 USD** or **imprisoned** for not more than 6 months, or **both**.

(2) Any person who violates subsection (a)(1) wilfully and for purposes of commercial advantage or private financial gain (**such as, including "free" cable or satellite signal as part of the rent package**) shall be fined not more than **\$50,000 USD** or **imprisoned** for not more than 2 years, or both, **for the first such offence** and shall be fined not more than **\$100,000 USD** or **imprisoned** for not more than 5 years, or **both**, for any subsequent offence.

The Federal Communications Commission released a Public Notice in November, 1994 stating that the use of cable descramblers not authorized by cable systems is a violation of federal law.

Penalties: Court sentences in federal and state theft of service cases have ranged from **probation to 16 years in prison**. **Fines and restitution have ranged from several hundred dollars to \$2.7 million**. **Civil judgments have run as high as \$245 million**.

Radiocommunication Act

Definition of "telecommunication" - means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system.

Prohibitions - No person shall decode an encrypted subscription programming signal or encrypted network feed otherwise than under and in accordance with an authorization from the lawful distributor of the signal or feed;

Penalties - Every person who contravenes the subsection above is guilty of an offence punishable on summary conviction and liable (a) in the case of an individual, to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding one year, or to both; and (b) in the case of a person other than an individual, to a fine not exceeding seventy-five thousand dollars.

Continuing offence - Where an offence under this section is committed or continued on **more than one day**, the person who committed the offence is liable to be **convicted for a separate offence for each day** on which the offence is committed or continued.

Limitation - A prosecution for an offence under this Act may be commenced within, but not after, three years after the day on which the subject-matter of the offence arose.