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By: **Delegates Branch and Opara**

Introduced and read first time: February 12, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Cable Programming - Social Clubs and Alcoholic Beverages Licensees -**  
3                                   **Investigation**

4 FOR the purpose of requiring that an investigation be performed by a certified  
5 private detective before a certain action may be brought against a social club or  
6 certain alcoholic beverages licensee for certain alleged violations of provisions  
7 relating to theft of service concerning exhibition of certain events; establishing  
8 certain standards for the investigations; requiring certain reports to be prepared  
9 and provided to certain persons; and generally relating to investigation of  
10 unauthorized exhibition of televised events.

11 BY repealing and reenacting, with amendments,  
12 Article 27 - Crimes and Punishments  
13 Section 194B  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)  
16 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
17 1998)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20                                   **Article 27 - Crimes and Punishments**

21 194B.

22 (a) In this section, "cable television service" means:

23 (1) Cable and satellite cable programming;

24 (2) Service provided by or through the facility of a cable television  
25 system or closed circuit coaxial cable communication system; or

26 (3) A microwave, satellite, or similar transmission service used with a  
27 cable television system or closed circuit coaxial cable communication system.

1 (b) A person may not:

2 (1) Destroy, damage, cut, tamper with, install, tap, remove, displace, or  
3 make any connection with any wire, conduit, apparatus, or other equipment of a  
4 franchised cable television company or private cable television company with the  
5 intent to receive cable television services without payment;

6 (2) Prevent, obstruct, or delay the sending, conveyance, distribution, or  
7 receipt of programming material transmitted by a franchised cable television  
8 company or a private cable television company;

9 (3) With the intent to deprive a company of lawful compensation for  
10 services provided, receive, attempt to receive, or assist another to receive:

11 (i) Cable television service by trick, use of a decoder, or other  
12 fraudulent means; or

13 (ii) Satellite cable programming:

14 1. That is offered for sale in the person's area through an  
15 unauthorized marketing system; or

16 2. That is received by decoding encrypted satellite cable  
17 programming;

18 (4) Connect with a cable, wire, component, or other device used for the  
19 distribution of cable television service without authority from the cable television  
20 company;

21 (5) Alter:

22 (i) A device installed with the authorization of a cable television  
23 company to intercept or receive a program or service carried by the company; or

24 (ii) Equipment capable of decoding encrypted satellite cable  
25 programming to intercept or receive satellite cable programming; or

26 (6) Sell, rent, or offer for sale or rent to any person a device or plan for a  
27 device with the knowledge that the person intends to use the device or plan to do an  
28 act prohibited by this section.

29 (c) (1) The destroying of, damaging, cutting, tampering with, installing,  
30 tapping, removing, displacing, or making a connection with a wire, conduit,  
31 apparatus, or other equipment of a franchised cable television company or private  
32 cable television company is prima facie evidence of an intent to receive cable  
33 television services without payment.

34 (2) Actual possession of a device, or possession and control of a quantity  
35 of devices that indicates possession for resale is prima facie evidence of an intent to

1 violate this section if the device is designed to facilitate an act prohibited by this  
2 section.

3 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a  
4 person who violates this section is guilty of a misdemeanor and on conviction is  
5 subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or  
6 both.

7 (2) A person convicted of a second or subsequent violation of this section  
8 is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

9 (3) A person who commits an act prohibited by this section for payment  
10 or offer of payment is guilty of a misdemeanor and on conviction is subject to a fine  
11 not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

12 (e) In addition to subsection (d) of this section, a person who violates  
13 subsection (b)(3) or (6) of this section is liable civilly to the aggrieved cable television  
14 company for all appropriate civil damages awarded by a court.

15 (f) A cable television company may bring an action to enjoin and restrain a  
16 violation of this section.

17 (g) A device used to violate this section is subject to seizure and forfeiture to  
18 the State.

19 (H) (1) THIS SUBSECTION APPLIES TO AN ALLEGED VIOLATION OF THIS  
20 SECTION INVOLVING THE UNAUTHORIZED EXHIBITION OF AN EVENT CARRIED BY A  
21 CABLE TELEVISION COMPANY.

22 (2) IN ORDER TO BRING AN ACTION AGAINST A SOCIAL CLUB, OR AN  
23 ALCOHOLIC BEVERAGES ON-SALE LICENSEE REGULATED UNDER ARTICLE 2B OF  
24 THE CODE, FOR AN ALLEGED VIOLATION OF THIS SECTION INVOLVING THE  
25 UNAUTHORIZED EXHIBITION OF AN EVENT CARRIED BY A CABLE TELEVISION  
26 COMPANY, THE CABLE TELEVISION COMPANY SHALL CONDUCT AN INVESTIGATION  
27 USING THE SERVICES OF A PRIVATE DETECTIVE CERTIFIED UNDER TITLE 13 OF THE  
28 BUSINESS OCCUPATIONS ARTICLE.

29 (3) THE PRIVATE DETECTIVE SHALL:

30 (I) CONDUCT AN INVESTIGATION SUFFICIENT TO ASCERTAIN  
31 BEYOND DOUBT THE IDENTITIES OF THE PARTICIPANTS IN THE TELEVISED EVENT  
32 AT THE TIME OF THE EXHIBITION;

33 (II) DETERMINE WHETHER:

34 1. ADMISSION IS BEING CHARGED TO THE SOCIAL CLUB OR  
35 CUSTOMERS OF THE ALCOHOLIC BEVERAGES LICENSEE FOR THE PURPOSE OF  
36 VIEWING THE UNAUTHORIZED EXHIBITION; AND

