

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1609. Theft of Utility Services.

(a) For purposes of this section:

(1) “Customer” means the person in whose name the utility service is provided or any person who takes possession of a property and uses a utility service without having made application for such service at that property.

(2) “Divert” means to change the intended course or path of utility services without the authorization or consent of the utility.

(3) “Person” means any individual, partnership, firm, association, corporation, business trust, company, joint venture company, limited liability company, government or government subdivision, corporation, or agency, or any other legal entity.

(4) “Reconnection” means the reconnection of utility service by a customer or other person after service has been lawfully disconnected by the utility.

(5) “Utility” means any provider of electric, water, sewer, cable television, and telecommunications services in the Commonwealth.

(6) “Utility service” means the provision of electrical, water, sewer, cable television, telephone, or any other service provided by the utility for compensation.

(b) A person commits the offense of theft of utility services if the person, with intent to obtain utility services for the person’s own or another’s use without paying the full lawful charge therefor, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, or abets any of the following:

(1) Diverts, or causes to be diverted utility services, by any means whatsoever;

(2) Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function;

(3) Makes or causes to be made any connection or reconnection with property owned or used by the utility to provide utility services, without the authorization or consent of the utility; or

(4) Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that a diversion, prevention of accurate measuring function, or unauthorized connection existed at the time of use or that the use or receipt was otherwise without the authorization or consent of the utility.

(c) A person commits the offense of theft of utility services in cases where the theft:

(1) Accrues to the benefit of any customer where the value of the theft of utility services exceeds \$50; or

(2) Is obtained through the services of a person hired to commit the theft of utility services; in which event, both the person hired and the person responsible for the hiring shall be punished under this section; or

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(d) A person convicted of theft of utility services under this section shall be punished:

(1) If the value of the service is \$20,000 or more, by imprisonment for not more than 10 years and a fine of not more than \$10,000, or both; or

(2) If the value of the service is at least \$5,000 but less than \$20,000, by imprisonment for not more than five years or a fine of not more than \$5,000, or both; or

(3) If the value of the or service is at least \$250 but less than \$5,000, by imprisonment for not more than two years or a fine of \$2,000, or both.

(4) If the value of the service is less than \$250, by imprisonment of not more than one year and a fine of not more than \$1,000, or both.

(e) A person who violates this section shall make restitution to the utility for the value of the electric, water, sewer, cable television, telecommunications, or any other service provided by the utility for compensation, plus all reasonable expenses, and costs, including court costs and attorney's fees incurred on account of the violation of this section. Reasonable expenses and costs include expenses and costs for investigation, disconnection, reconnection, service calls, metering device, labor, materials, equipment use, and prosecution.

(f) Any person in violation of this section that comes forward voluntarily within 90 days after the effective date of this Act shall be given amnesty and be exempted from punishment under subsection (d).

Source: PL 15-74, § 3.

Commission Comment: PL 15-74 was enacted on July 20, 2007, and contained the following title and findings, in addition to another enactment and severability and savings clause provisions:

Section 1. Title. This Act may be cited as the "Theft of Utility Services Act of 2006."

Section 2. Findings. The Legislature finds that theft of utility services has been prevalent in the Commonwealth for many years. However, the existing criminal laws do not specifically provide for prosecution of such activities. The Legislature further finds that for example, the Commonwealth Utilities Corporation has lost and continues to lose revenue from theft of utility services. Accordingly, the Legislature finds that criminalizing theft of utility services is necessary to deter such activities and possibly increase the revenue of the Commonwealth Utilities Corporation, or its duly licensed private contractors, and telecommunications and cable television companies. The purpose of this legislation is to criminalize theft of utility services and provide for penalties upon conviction of such a crime.