

166:42A. Theft of Service; Penalty for Fraudulently Obtaining Telecommunications Service.

Section 42A. Whoever, with intent to defraud, obtains, or attempts to obtain, or aids or abets another in obtaining, any telecommunications service valued at less than five thousand dollars by any false representation, false statement, or stratagem by unauthorized charging to the account of another, by installing or tampering with any facilities or equipment or by any other means, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two and one-half years in a house of corrections, or both.

Whoever, with intent to defraud, obtains, or attempts to obtain, or aids or abets another in obtaining, any telecommunications service of a value equal to or greater than five thousand dollars by any false representation, false statement, or stratagem, by unauthorized charging to the account of another, by installing or tampering with any facilities or equipment or by any other means, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years in a state prison, or both.

As used in this section, the words "telecommunication service" shall also include the transmission of intelligence by a community antenna television system licensed pursuant to the provisions of chapter one hundred and sixty-six A.

166:42B. Possession, Use of Instrument to Fraudulently Obtain Telecommunication Service; Penalty; Confiscation.

Section 42B. Whoever makes any instrument, apparatus, equipment, or device which is designed, adapted, or which is used to fraudulently obtain telecommunication service in the manner prohibited by section forty-two A or which is used to conceal, or to assist another to conceal, or from any lawful authority, the existence or place of origin or of destination of any telecommunication; or whoever possesses any such instrument, apparatus, equipment, or device with the intent to use or employ the same in violation of this section or section forty-two A, or whoever sells, gives transport, or otherwise transfers to another, or offers to advertisers for sale, any such instrument apparatus, equipment, or device, or any plans or instructions for making or assembling the same, with the intent to use or employ such apparatus, equipment, or device, or to allow the same to be used or employed, for a purpose described in this section or whoever, knowing or having reason to believe that the same is intended to be used, or that said plans or instructions are intended to be used for making or assembling such apparatus, equipment, or device, or whoever publishes plans or instructions for making or assembling or using any such apparatus, equipment, or device intending that such be used or employed in violation of this section or section forty-two A, shall be punished by a fine of not more than thirty thousand dollars or by imprisonment for not more than fifteen years or by both.

Any instrument, apparatus, device, plans or instructions or publications described in this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of this section, such instrument, apparatus, device, plans, instructions or publication may be destroyed as contraband by the sheriff of the county in which such person was convicted. As used in this section, the words "telecommunications service" shall also include the transmission of intelligence by a community antenna television system licensed pursuant to the provisions of chapter one hundred and sixty-six A.