

514.060 Theft of services.

- (1) A person is guilty of theft of services when:
 - (a) The person intentionally obtains services by deception or threat or by false token or other means to avoid payment for the services which he or she knows are available only for compensation;
 - (b) The person intentionally obtains wireless communications services or access to services by any of the following means:
 1. Unauthorized interception of any electronic serial number, mobile identification number, personal identification number, or like identifying number;
 2. Unauthorized interception of any cellular service or personal communications service as terms may be defined in 47 C.F.R. parts 22 and 24 respectively;
 3. Unauthorized interception of any similar telephone service; or
 4. Use of deception, threat, or other means to avoid payment for the services which the person knows are available only for charge or compensation; or
 - (c) Having control over or unauthorized access to the use of the services of others to which the person is not entitled, the person intentionally diverts the services to the person's own benefit or the benefit of another not entitled thereto.
- (2) Where compensation for services is ordinarily paid immediately upon the rendering of the services, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay shall be prima facie evidence that the services were obtained by deception as to intention to pay.
- (3) In any prosecution for theft of gas, water, electricity, or other public service, where the utility supplying the service had installed a meter or other device to record the amount of service supplied, proof that:
 - (a) The meter or other device has been altered, tampered with, or bypassed in a manner so as to prevent or reduce the recording thereof; or
 - (b) Service has been, after having been disconnected by the utility supplying service, reconnected without authorization of the utilityshall be prima facie evidence of the intent to commit theft of service by the person or persons obligated to pay for service supplied through the meter or other device.
- (4) Theft of services is a Class B misdemeanor unless:
 - (a) The value of the service is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - (b) The value of the service is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered; or

- (d) The value of the service is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- (5) If any person commits two (2) or more separate offenses of theft of services within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 66, sec. 11, effective June 29, 2021. -- Amended 2009 Ky. Acts ch. 106, sec. 9, effective June 25, 2009. -- Amended 1998 Ky. Acts ch. 568, sec. 1, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 451, sec. 4, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 99, sec. 1, effective July 15, 1980, --Created 1974 Ky. Acts ch. 406, sec. 122, effective January 1, 1975.