

76-6-409.6 Use of telecommunication device to avoid lawful charge for service -- Penalty.

- (1) Any person who uses a telecommunication device with the intent to avoid the payment of any lawful charge for telecommunication service or with the knowledge that it was to avoid the payment of any lawful charge for telecommunication service is guilty of:
 - (a) a class B misdemeanor, if the value of the telecommunication service is less than \$300 or cannot be ascertained;
 - (b) a class A misdemeanor, if the value of the telecommunication service charge is or exceeds \$300 but is not more than \$1,000;
 - (c) a third degree felony, if the value of the telecommunication service is or exceeds \$1,000 but is not more than \$5,000;
 - (d) a second degree felony, if:
 - (i) the value of the telecommunication service is or exceeds \$5,000; or
 - (ii) the cloned cellular telephone was used to facilitate the commission of a felony.
- (2) Any person who has been convicted previously of an offense under this section is guilty of a second degree felony upon a second conviction and any subsequent conviction.

Amended by Chapter 78, 1997 General Session