

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.540h Intent to permit or obtain unauthorized receipt of telecommunications service.

Sec. 540h.

(1) Evidence of 1 or more of the following facts shall give rise to a rebuttable presumption that the conduct that violated section 540c was engaged in knowingly by the defendant with the intent to permit or obtain the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service:

(a) The presence on the defendant's property or in the actual possession of the defendant of 1 or more unlawful telecommunications access devices.

(b) The defendant installed an unauthorized connection or provided written instructions on such connection to another. An unauthorized connection does not include any of the following:

(i) An internal connection made by a person within his or her residence for the purpose of receiving an authorized telecommunications service.

(ii) The physical connection of a cable or other device by a person located within his or her residence which was initially placed there by the telecommunications service provider.

(iii) The physical connection of a cable or other device by a person located within his or her residence which the person had reason to believe was an authorized connection.

(c) The telecommunications service provider placed written warning labels on its telecommunications access devices explaining that tampering with a telecommunications device is a violation of law and a telecommunications device in the defendant's possession has been tampered with, altered, or modified to permit the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service.

(d) The defendant has published or advertised for sale a plan for an unlawful telecommunications access device and the publication or advertisement states or implies that the plan will enable the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service.

(e) The defendant has advertised for the sale of an unlawful telecommunications access device or kit for an unlawful telecommunications access device and the advertisement states or implies that the unlawful telecommunications access device or kit will permit the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service.

(f) The defendant has sold, leased, or offered for sale or lease an unlawful telecommunications access device, plan, or kit for an unlawful telecommunications access device and during the course of the transaction for sale or lease, the defendant stated or implied to the buyer that the unlawful telecommunications access device will permit the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service.

(g) As used in this section, "unauthorized receipt, acquisition, interception, disruption, decryption, transmission, or retransmission of a telecommunications service" means to do any of those acts without the express authority of the telecommunications service provider.

History: Add. 1996, Act 557, Eff. Mar. 31, 1997 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003