

## Committee on Criminal Justice

### **CS/HB 879 — Unlawful Acquisition of Utility Services**

by Justice Appropriations Subcommittee and Rep. Burgess and others (CS/CS/SB 776 by Communications, Energy, and Public Utilities Committee; Criminal Justice Committee; and Senator Baxley)

The bill revises provisions relating to utility theft as follows:

- Requires a court to include certain specified amounts in its order for civil damages or restitution related to the theft and labor costs.
- Allows the state to make a prima facie showing of the estimated losses of unlawfully obtained electric services based on any methodology reasonably relied upon by utilities.
- Allows the methodology to consider the estimated start date of the theft and the estimated daily or hourly use of electricity.
- Provides specified criteria to determine the estimated start date of the theft and the estimated daily or hourly use of electricity.
- Requires that once the state has made a prima facie showing the burden shifts to the defendant to demonstrate that the loss is something other than that claimed by the utility.
- Allows the court to order a defendant to pay restitution for damages to the property of a utility or for the theft of electricity for criminal offenses that are causally connected to the utility theft.

If approved by the Governor, these provisions take effect October 1, 2017.

*Vote: Senate 38-0; House 119-0*