

CRIMINAL LAW REVISION COMMISSION
309 Capitol Building
Salem, Oregon

ARTICLE 14.

Preliminary Draft No. 2

Theft of Services; May 27, 1968

Section ____ . Theft of services. (1) As used in _____, "services" includes, but is not limited to, labor, professional services, toll facilities, transportation, telephone or other communications service, the supplying of food, lodging or other accommodations in hotels, restaurants or elsewhere, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water.

(2) A person commits theft if:

(a) With intent to avoid payment therefor, he obtains services which are available only for compensation, by force, threat, deception, or other means; or

(b) Having control over labor or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.

(3) Absconding without payment or offer to pay for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception.

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Preliminary Draft No. 2a

Theft of Services; May 27, 1968

Section _____. Theft of services. (1) As used in _____, "services" includes, but is not limited to, labor, professional services, toll facilities, transportation, telephone or other communications service, the supplying of food, lodging or other accommodations in hotels, restaurants or elsewhere, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water.

(2) A person commits theft if:

(a) With intent to avoid payment therefor, he obtains services which are available only for compensation, by force, threat, deception, or other means; or

(b) Having control over labor or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.

(3) Proof of any of the following facts is prima facie evidence of an intent to avoid payment for the services obtained:

(a) Food, lodging or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property.

(b) The person refused or neglected to pay for such food, lodging or other accommodation on demand.

(c) The person made, drew and gave in payment for such food, lodging or other accommodation any check or draft on which payment was refused.

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(d) The person absconded without paying or offering to pay for such food, lodging or other accommodation.

(e) The person surreptitiously removed or attempted to remove his baggage.

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Preliminary Draft No. 2b

Theft of Services; May 27, 1968

Section ____ . Theft of services. A person commits theft of services if:

(1) With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids or attempts to avoid such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false. A person who fails or refuses to pay for such services is presumed to have intended to avoid payment therefor; or

(2) With intent to obtain railroad, bus, air, taxi or any other public transportation service without payment of the lawful charge for such transportation service which has been rendered to him, he obtains such service or avoids payment therefor by force, threat, deception, or by unjustifiable failure or refusal to pay; or

(3) With intent to avoid payment by himself or another person of the lawful charge for any telecommunications service, he obtains such service or avoids payment therefor by himself or another person by means of:

(a) Tampering or making connection with the equipment of the supplier, whether by mechanical, electrical, acoustical, or other means; or

(b) Any misrepresentation of fact which he knows to be false; or

(c) Any other artifice, trick, deception, code or device; or

(4) Obtaining or having control over labor in the employ of another person, or of business, commercial, or industrial equipment or

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facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities.

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