



SECRETARY OF THE SENATE



# The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA  
WEST AFRICA

**2019**

## SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE OF THE REPUBLIC OF LIBERIA.

SCHEDULE OF SENATE'S ENROLLED BILL NO. 24

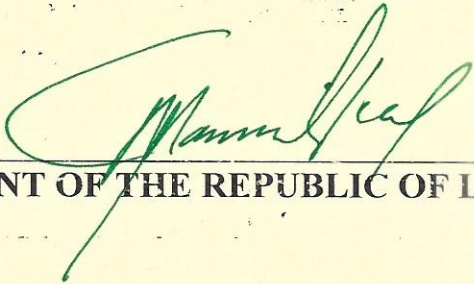
ENTITLED:

**“AN ACT TO AMEND THE PENAL LAW CHAPTER 15, BY ADDING  
THERE TO A NEW SECTION 15.88 TO PROVIDE FOR POWER THEFT”**

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR  
EXECUTIVE APPROVAL:

APPROVED THIS 4<sup>th</sup> DAY OF October A.D. 2019

AT THE HOUR OF 11:55 Am

  
\_\_\_\_\_  
THE PRESIDENT OF THE REPUBLIC OF LIBERIA

**2019**

**ATTESTATION**

**"AN ACT TO AMEND THE PENAL LAW CHAPTER 15, BY  
ADDING THERETO ANEW SECTION 15.88 TO PROVIDE FOR  
POWER THEFT"**

*Stamand Taylor*

---

**VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/  
PRESIDENT OF THE SENATE**

*[Signature]*

---

**SECRETARY OF THE SENATE**

*[Signature]*

---

**SPEAKER, HOUSE OF REPRESENTATIVES**

*Mildred N. Layton*

---

**CHIEF CLERK, HOUSE OF REPRESENTATIVES OF REPRESENTATIVES**

2019

SECOND SESSION OF THE FIFTY-FOURTH  
LEGISLATURE OF THE REPUBLIC OF LIBERIA

SENATE'S ENGROSSED BILL NO. 21 ENTITLED:

**"AN ACT TO AMEND THE PENAL LAW CHAPTER 15,  
BY ADDING THERETO A NEW SECTION 15.88 TO  
PROVIDE FOR POWER THEFT"**

On Motions, Bill read. On Motion, the Bill was  
adopted on its first reading and sent to Committee  
Room on Tuesday, April 30, 2019 @11:48 GMT.

On Motion, Bill taken from the Committee Room for  
its second reading. On Motion, under the suspension  
of the rule, the second reading of the Bill constituted  
its third and final reading and the Bill was adopted,  
passed into the full force of the law and ordered  
engrossed today, Thursday, August 22, 2019 @ 14:15  
G.M.T.

---

**SECRETARY OF THE SENATE**

2019

SECOND SESSION OF THE FIFTY-FOURTH  
LEGISLATURE OF THE REPUBLIC OF LIBERIA

HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED  
BILL NO. 21 ENTITLED:

**"AN ACT TO AMEND THE PENAL LAW CHAPTER 15,  
BY ADDING THERETO A NEW SECTION 15.88 TO  
PROVIDE FOR POWER THEFT"**

On Motions, Bill read. On Motion, the Bill was  
adopted on its first reading and sent to Committee  
Room on Tuesday, September 3, 2019 @14:10 GMT.

On Motion, Bill taken from the Committee Room for  
its second reading. On Motion, under the suspension  
of the rule, the second reading of the Bill constituted  
its third and final reading and the Bill was adopted,  
passed into the full force of the law and ordered  
engrossed today, Thursday, September 5, 2019 @  
13:06 G.M.T.

---

**CHIEF CLERK, HOUSE OF REPRESENTATIVES**



AN ACT TO AMEND THE PENAL LAW CHAPTER 15,  
BY ADDING THERETO A NEW SECTION 15.88 TO  
PROVIDE FOR POWER THEFT

**AN ACT TO AMEND THE PENAL LAW CHAPTER 15, BY ADDING THERETO A NEW  
SECTION 15.88 TO PROVIDE FOR POWER THEFT**

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled:

**Section 1:** The short title for this Act shall be the **Power Theft Act**.

**Section 2:** Following passage of this Act into handbills,

- a. Chapter 6, Section 6.13 of the 2015 Electricity Law of Liberia titled "Theft of Electricity" is hereby repealed.
- b. Chapter 15 of the Penal Law of Liberia is amended by adding a new Section 15.88, "Power Theft".

**15.88. Power Theft Act**

**1. Purpose.**

Theft of electricity through illegal connections, tampering with meters, transmission and distribution lines, and theft of assets including Light poles, wires and transformers, remain the most singular challenge to the operations and maintenance of an effective public utility system in Liberia. Consequently, electricity tariff in Liberia remains amongst the highest tariffs in the world, resulting in high production costs, which disincentive investment and frustrates economic development in Liberia.

The purpose of this Act is to establish a system of prohibitions and penalties to deal with theft of electricity for which government intervention and protection is appropriate. To this end, the provisions of the New Section are intended to achieve the following objectives.

- a. Recognize and treat power theft as a national security threat;
- b. To define adequately the various conduct that constitute Power theft;
- c. To prescribe penalties which are proportionate to the seriousness of the offense;

- d. To reduce power theft which inevitably will translate into reduced tariff and thus incentivize investment and economic development.

## 2. General Definitions.

- (a) **“consumer”** means a person or his successor in interest who purchases or receives electric power for consumption and not for delivery or resale to others, including a person who owns or occupies a premises where electric power is supplied;
- (b) **“distribution”** means the ownership, operation, management or control of distribution facilities for the movement or delivery or sale to consumers of electric power/but shall not include the ownership, operation, management and control of distribution facilities located on private property and used solely to move or deliver electric power to the person owning, operating, managing and controlling those facilities or to tenants thereof;
- (c) **“distribution facilities”** means electrical facilities operating at the distribution voltage and used for the movement or delivery of electric power;
- (d) **“electric meter”** means an instrument which measures electricity delivered to the consumer for consumption including kilowatt meter, kilowatt hour meter; current transformers, potential transformers, maximum demand indicator or any other measuring apparatus;
- (e) **“electric supply-line”** means a wire, conductor or other means used for conveying, transmitting, or distributing energy together with any casing, coating, covering, tube, pipe or insulator, enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting or distributing such energy;
- (f) **“electric power”** means electrical energy or the capacity for the production of electrical power;
- (g) **“electric power services”** means the generation, transmission or distribution of electric power and all other services incidental thereto;
- (h) **“gain”** means the amount of money or other property taken, collected or received and converted by the defendant or the net gain produced by commission of the crime;

- (i) **“License”** means a license issued for generation, transmission or distribution by the Liberia Energy Regulatory Commission (LERC) under the Electricity Law 2015;
- (j) **“licensee”** means Liberia Electricity Corporation, a state owned public corporation created by an Act of the Legislature in 1973 to engage in the development, generation, transmission, distribution and sale of electrical energy within the Republic of Liberia; or a holder of a license;
- (k) **“person”** includes any individual, association, partnership, or corporation, or public servant or an employee of Licensee;
- (l) **“service line”** means any electric supply-line through which energy is, or is intended to be supplied by a licensee;
- (m) **“tampering” or “tamper”** includes interfering or creating hindrance in flow or metering of electric power by unauthorized entry of access into metering system or transmission and distribution lines either by breaking the seals or damaging or destructing the same or in any manner interfering with the electric meter or transmission line or distribution line or interfering with its original condition;
- (n) **“tariff”** means the rates, charges, terms and condition for generation of electric power, transmission, inter-connection, distribution services and sales of electric power to consumers by a licensee;
- (o) **“transmission”** means the ownership, operation, management or control of transmission facilities;
- (p) **“transmission facilities”** means electrical transmission facilities including electrical circuits, transformers and sub-stations operating at or above the minimum transmission voltage; and
- (q) **“utility”** means a licensee which is engaged in the generation, transmission, distribution and sale of electric power.
- (r) **“works”** includes electric supply-lines and any buildings, machinery or apparatus required to supply energy.

### **3. Tampering with transmission.**

A Person is guilty of the Second Degree Felony, if he/she:

- (a) Knowingly and willfully tampers with or attempts to tamper with makes or causes to be made any connection with overhead or underground lines or cables, or services lines, electric supply line or transmission facilities of licensee for transmission of electric power services, or any other related system and equipment, so as to use or consume electricity without passing through the electric meter;
- (b) Seeks, accepts, uses, attempts to obtain, or agrees to receive, for himself or for others, electric current, power and/or electric services provided by licensee, knowing or under circumstances that would induce a reasonable person to know that the use of the electric current, power and/or electric services have resulted or will result from unauthorized connection or reconnection or any other illegitimate means with overhead or underground lines or cables, or services lines, electric supply line or transmission facilities of licensee by third party without the approval, consent or authorization of licensee;
- (c) Causes or abets in tampering with Transmission lines.
- (d) Any person who has been convicted of second degree felony for tampering with transmission facilities of electric power shall be sentenced to a definite term of imprisonment which shall be no less than three (3) years, and no more than five (5) years maximum, and shall be sentenced to pay a fine of One Thousand United States Dollars (US\$1,000.00) or double the gain realized from the commission of the crime.

#### **4. Tampering with distribution.**

A Person is guilty of the Second Degree Felony, if he/she:

- (a) Knowingly and willfully tampers with or attempts to tamper with, makes or causes to be made any connection with overhead or underground lines or cables, or services lines, electric supply line or distribution facilities of a licensee for distribution of electric power services so as to use or consume electricity without passing through the electric meter;
- (b) Knowingly and willfully tampers with or attempts to tamper with, electric supply line of distribution facilities for distribution of electric power services, or any other related system and equipment, for distribution of electric power services;
- (c) Causes or abets in tampering with Distribution line;



- (d) Seeks, accepts, uses, attempts to obtain, or agrees to receive, for himself or for others, electric current, power and/or electric services provided by licensee, knowing or under circumstances that would induce a reasonable person to know that the use of the electric current, power and/or electric services have resulted or will result from an unauthorized third party who tampers with the overhead or underground lines or cables, or services lines, electric supply line or distribution facilities of a licensee so as to use or consume electricity without passing through the electric meter.
- (e) Any person who has been convicted of second degree felony for tampering with distribution facilities of a licensee shall be sentenced to a definite term of imprisonment which shall be no less than three (3) years, and no more than five (5) years maximum, and shall be sentenced to pay a fine of Four Hundred United States Dollars **(US\$400.00)** or double the gain realized from the commission of the crime.

**5. Tampering with, interference with, or improper use of electric meter by domestic consumer.**

A domestic consumer is guilty of the Second Degree Felony, if he/she without the consent, approval and authorization of licensee if it:

- (a) Connects any electric meter with any electric line through which Electricity is supplied by licensee or disconnects the same from such electric;
- (b) Reconnects any electric meter with any electric line or other works being the property of, when the said electric line or other works has or have been cut;
- (c) Tampers with an electric meter, installs or uses a tampered electric meter, or a current reversing transformer, loop connection or any other device or method which interferes with the accurate or proper calibration, registration, or metering of the electric current or otherwise which results into theft or wastage of electricity;
- (d) Uses the energy supplied by licensee under one method of tariff in a manner for which higher tariff is in force;

- (e) Uses energy supplied by licensee in a manner prejudicial to the safety or effective working of the electric supply-line or deals with it in a manner so as to interfere with effective supply of energy to other consumers, or persons; or
- (f) Causes or abets in tampering with distribution line.
- (g) Any domestic consumer who has been convicted of second degree felony for Tampering with, interference with, or improper use or electric meter of a licensee shall be sentenced to a definite term of imprisonment which shall be no less than two years (2) years, and no more than five (5) years maximum, and shall be sentenced to pay a fine of Four Hundred United States Dollars **(US\$400.00)** or double the gain realized from the commission of the crime.

**6. Tampering with transmission and distribution lines, Interference, or improper use of electric meter by Industrial, Commercial entities or organized groups or syndicates.**

Any person being industrial or commercial is guilty of the Second Degree Felony, if without the consent, approval and authorization of licensee if it:

- (a) Connects any electric meter with any electric line through which electricity is supplied by LEC or any licensee or disconnects the same from such electric line;
- (b) Reconnects any electric meter with any electric line or other works being the property of licensee when the said electric line or other works has or have been cut or disconnected;
- (c) Tampers with an electric meter, installing or using a tampered meter, or a current reversing transformer, loop connection or any other device or method which interferes with the accurate or proper calibration, registration, or metering of the electric current or otherwise which results in a way where the electricity is stolen or wasted;
- (d) Uses the energy supplied by LEC or any licensee under one method of tariff in a manner for which higher tariff is in force;
- (e) Uses energy supplied by LEC or any licensee in a manner prejudicial to the safety or efficient working of the electric supply-line or deals with it

in a manner so as to interfere with efficient supply of energy to other consumers, or persons, or

- (f) Causes or abets in tampering with distribution line.
- (g) Any Industrial, Commercial entity or organized group or syndicate who has been convicted of second degree felony for Tampering with, transmission and distribution lines, or interference with, or improper use of electric meter of a licensee, shall be sentenced to pay a fine of Ten Thousand United States Dollars **(US\$10,000.00)** or double the gain realized from the commission of the crime.
- (h) If the violation is committed by an Association, partnership, or corporation, or any other legal entity, including a government owned or controlled corporation, the penalty shall be imposed on the president, general manager and each of the officers thereof, who shall have knowingly permitted, failed to prevent or was otherwise responsible for the commission thereof.
- (i) If the offense is committed by or in connivance with an officer or employee of licensee, such officer or employee shall upon conviction, be forthwith dismissed and perpetually disqualified from employment in any Electric public utility or service company.
- (j) If the violation is committed by a criminal group or syndicate, the penalty imposed, in addition to the fine of Ten Thousand United States Dollars **(US\$10,000.00)**, shall include seizure and forfeiture of assets associated with the offense including vehicles, properties and bank accounts owned by the syndicate, and each of the officers and operatives thereof, who shall have knowingly permitted, failed to prevent or was otherwise involved and responsible for the commission thereof.

**7. Damaging or destroying transmission lines, distribution lines or electric meters.**

- (a) Any person being industrial or commercial is guilty of the Second Degree Felony, if it damages, destroys any transmission lines, distribution lines, electric meter, equipment, or apparatus, or wire or causes or allows any of them to be so damaged or destroyed or causes or allows any of them to be at the stage of being damaged.

- (b) Any person who has been convicted of Second Degree Felony for damaging or destroying transmission lines, distribution lines or electric meters shall be sentenced to a definite term of imprisonment which shall be no less than seven (7) years, and no more than ten (10) years maximum, and shall be sentenced to pay Four Hundred United States Dollars **(US\$400.00)**.

#### **8. Owners and Lessors of Premises.**

A person or entity that owns, leases, or subleases a property may not permit a tenant or occupant to use Utility services knowing or under such circumstances as would induce a reasonable person to believe that such utility services have been connected in violation of this Section.

#### **9. Amount of lawfully obtained electricity Services.**

A prima facie showing of the amount of unlawfully obtained electricity services may be based on any methodology reasonably relied upon by a licensee to estimate such loss. The methodology may consider the estimated start date of the theft and the estimated daily or hourly use of electricity. Once a prima facie showing has been made, the burden shifts to the defendant to demonstrate that the loss is other than that claimed by the licensee.

#### **10. Prima Facie Evidence.**

The presence of any of the following circumstances shall constitute prima facie evidence of illegal use of electricity, as defined in this Section, by the person benefitted thereby, and shall be the basis for the immediate disconnection by the Licensee to such person after due notice,

- (a) The existence of any wiring connection which affects the normal operation or registration of the electric meter;
- (b) The presence of a tampered, broken, or fake seal on the meter, or mutilated, altered or tampered meter recording chart or graph, or computerized chart, graph, or log;
- (c) The presence in any part of the building or its premises which is subject to the control of the consumer or on the electric meter, of a current reversing transformer, jumper, shorting and/or shunting wire, and/or loop connection or any other similar device;

- (d) The mutilation, alteration, reconnection, disconnection, bypassing or tampering of instruments, transformers, and accessories;
- (e) The destruction of, or attempt to destroy, any integral accessory of the metering device box which encases an electric meter, or its metering accessories; and
- (f) The acceptance of money and/or other valuable consideration by any officer or employee of the licensee concerned or the making of such an offer to any such officer or employee for not reporting the presence of any of the circumstances enumerated in this subsection
- (g) The possession or custody of electric power transmission line/material by any person, natural or juridical, not engaged in the transformation, transmission or distribution of electric power, or in the manufacture of such electric power transmission line/material shall be prima facie evidence that such line/material is the fruit of the offense defined in this Act and therefore such line/material may be confiscated from the person in possession, control or custody thereof.

#### **11. Remedy to Offenses.**

An aggrieved Licensee may seek relief in criminal and civil proceedings in any court of competent jurisdiction and be awarded damages, including attorney's fees and costs.

#### **12: Bailable**

The alleged commission of the crime of Power Theft shall be bailable until such person is convicted and sentenced before a competent Court of Jurisdiction.

**Section 3.** This Act shall take effect immediately upon publication into handbills.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**