

CAMCORDER PIRACY OF MEDIA

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin S. Garn

Senate Sponsor: Gregory S. Bell

Cosponsor: Sheryl L. Allen

LONG TITLE

General Description:

This bill modifies Title 13, Commerce and Trade, by prohibiting the recording of a motion picture being displayed in a theater and providing criminal penalties.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ establishes the offense of using any camcorder or similar device to record or transmit a motion picture displayed in a motion picture theater;
- ▶ provides that the first offense is a class A misdemeanor and any subsequent violation is a third degree felony;
- ▶ provides for detention of the offender by the theater owner or employee while law enforcement is contacted;
- ▶ provides protection from liability for an employer or employee who in good faith detains a person; and
- ▶ exempts law enforcement and investigation operations acting within the motion picture theater.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

30 ENACTS:

31 **13-10b-101**, Utah Code Annotated 1953

32 **13-10b-102**, Utah Code Annotated 1953

33 **13-10b-201**, Utah Code Annotated 1953

34 **13-10b-301**, Utah Code Annotated 1953

35 **13-10b-302**, Utah Code Annotated 1953

36 **13-10b-401**, Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **13-10b-101** is enacted to read:

40 **CHAPTER 10b. UNLAWFUL RECORDING OF A MOTION PICTURE**

41 **Part 1. General Provisions**

42 **13-10b-101. Title.**

43 This chapter is known as "Unlawful Recording of a Motion Picture."

44 Section 2. Section **13-10b-102** is enacted to read:

45 **13-10b-102. Definitions.**

46 As used in this chapter:

47 (1) "Audiovisual recording function" means the capability of a device to record or
48 transmit a motion picture or any part of the motion picture by means of any technology.

49 (2) "Motion picture theater" means a movie theater, screening room, or other venue
50 that is being utilized primarily for the exhibition of a motion picture at the time of the
51 commission of an offense under Section 13-10b-201.

52 (3) "Owner or employee" means the owner or lessee of a motion picture theater, or the
53 authorized agent or employee of the owner or lessee.

54 Section 3. Section **13-10b-201** is enacted to read:

55 **Part 2. Penalties**

56 **13-10b-201. Unlawful recording of a motion picture -- Penalties.**

57 (1) It is unlawful for any individual to knowingly operate the audiovisual recording

58 function of any camcorder or similar device in a motion picture theater:

59 (a) while a motion picture is being exhibited; and

60 (b) without the consent of the motion picture theater owner or operator.

61 (2) (a) A violation of this section is a class A misdemeanor.

62 (b) A second or subsequent violation of this section is a third degree felony.

63 Section 4. Section **13-10b-301** is enacted to read:

64 **Part 3. Detention and Immunity**

65 **13-10b-301. Detention of suspect by owner or employee.**

66 (1) Any owner or employee who has probable cause to believe that an individual has
67 unlawfully recorded a motion picture under Section 13-10b-201 may detain the individual, on
68 or off the premises of the motion picture theater, in a reasonable manner and for a reasonable
69 length of time to:

70 (a) make reasonable inquiry as to whether the individual has in his possession a device
71 that may reasonably be used in violation of Section 13-10b-201;

72 (b) request identification;

73 (c) verify the identification;

74 (d) make a reasonable request of the individual to place or keep in full view any device
75 that the employer or employee has reason to believe the individual may have used in violation
76 of Section 13-10b-201; and

77 (e) (i) inform a peace officer of the detention of the individual and surrender that
78 individual to the custody of a peace officer; or

79 (ii) in the case of a minor, inform a peace officer, the parents, or the legal guardian of
80 this detention and to surrender custody of the minor to the responding individual.

81 (2) An employer or employee may make a detention under Subsection (1) off the
82 premises of the motion picture theater only if the detention is pursuant to the immediate pursuit
83 of the individual that the employer or employee has reason to believe has violated Section
84 13-10b-201.

85 Section 5. Section **13-10b-302** is enacted to read:

