

13-10-8 Failure to disclose the origin of a recording -- Penalty.

- (1) For purposes of this section "recording" means:
 - (a) a tangible medium on which sounds or images are recorded or otherwise stored, including an original phonograph record, disc, tape, audio or video cassette, wire, film, or other similar medium; or
 - (b) a copy or reproduction that duplicates the original in whole or in part.
- (2) A person is guilty of failure to disclose the origin of a recording if:
 - (a) the person commits any of the following acts for commercial advantage or private financial gain:
 - (i) offers a recording for sale, resale, or rent;
 - (ii) sells, resells, rents, leases, or lends a recording; or
 - (iii) possesses a recording for any of the purposes described in Subsection (2)(a)(i) or (ii); and
 - (b) the person knows that the recording does not contain the true name and address of the manufacturer in a prominent place on its cover, jacket, or label.
- (3) A person who fails to disclose the origin of a recording under Subsection (2) is guilty of:
 - (a) a felony of the third degree if the offense involves 100 or more recordings during a 180-day period or if the person has previously been convicted of a violation of this section;
 - (b) a class A misdemeanor if the offense involves at least 10 recordings but less than 100 recordings during a 180-day period; or
 - (c) a class B misdemeanor if the offense involves less than 10 recordings.
- (4) In addition to the penalties provided in Subsection (3), a court may order a person who commits a violation of Subsection (2) to forfeit any recordings in the person's possession that served as the basis for the violation of Subsection (2).

Enacted by Chapter 325, 1995 General Session