

ANTICAMCORDER PIRACY

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: Scott L Wyatt

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 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:

ENACTS:

13-10b-101, Utah Code Annotated 1953

13-10b-102, Utah Code Annotated 1953

13-10b-201, Utah Code Annotated 1953

13-10b-301, Utah Code Annotated 1953

13-10b-302, Utah Code Annotated 1953

13-10b-401, Utah Code Annotated 1953

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

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

CHAPTER 10b. UNLAWFUL RECORDING OF A MOTION PICTURE

13-10b-101. Title.

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

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

13-10b-102. Definitions.

As used in this chapter:

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

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

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

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

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

(1) It is unlawful for any individual to knowingly operate the audiovisual recording function of any device in a motion picture theater:

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

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

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

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

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

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

(1) Any owner or employee who has probable cause to believe that an individual has committed the unlawful recording of a motion picture under Section 13-10b-201 may detain the individual, on or off the premises of the motion picture theater, in a reasonable manner and for a reasonable length of time for the following purposes:

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

(b) to request identification;

(c) to verify the identification;

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

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

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

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

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

13-10b-302. Immunity of owner or employee who contacts law enforcement.

The owner or employee of a motion picture theater who advises a law enforcement agency of an alleged violation of this section is not liable in any civil action that arises out of detaining an individual under Section 13-10b-301 whom the owner or employee reasonably believes to have violated Section 13-10b-201, unless the plaintiff can show by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.

Section 6. Section **13-10b-401** is enacted to read:

90 **13-10b-401. Law enforcement functions exempt.**

91 This part does not prohibit any lawful investigation or collection of evidence by a
92 federal, state, or local law enforcement or investigative agency by means of any audiovisual
93 recording device used in a motion picture theater as part of investigative, protective, or law
94 enforcement functions.

Legislative Review Note

as of 1-26-06 8:17 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0201

Anticamcorder Piracy

24-Feb-06

9:18 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst