

DIGITAL PIRACY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Gardiner

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill amends a provision related to unauthorized recording practices.

Highlighted Provisions:

This bill:

► provides, for certain offenses regarding recordings, that an amount of recordings means the commercial equivalent of an amount of recordings.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-10-8, as enacted by Laws of Utah 1995, Chapter 325

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

Section 1. Section **13-10-8** is amended to read:

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.

- 30 (2) A person is guilty of failure to disclose the origin of a recording if:
- 31 (a) the person commits any of the following acts for commercial advantage or private
- 32 financial gain:
- 33 (i) offers a recording for sale, resale, or rent;
- 34 (ii) sells, resells, rents, leases, or lends a recording; or
- 35 (iii) possesses a recording for any of the purposes described in Subsection (2)(a)(i) or
- 36 (ii); and
- 37 (b) the person knows that the recording does not contain the true name and address of
- 38 the manufacturer in a prominent place on its cover, jacket, or label.
- 39 (3) A person who fails to disclose the origin of a recording under Subsection (2) is
- 40 guilty of:
- 41 (a) a felony of the third degree if the offense involves 100 or more recordings, or the
- 42 commercial equivalent of 100 or more recordings, during a 180-day period or if the person has
- 43 previously been convicted of a violation of this section;
- 44 (b) a class A misdemeanor if the offense involves at least 10 recordings [~~but less~~] and
- 45 fewer than 100 recordings, or the commercial equivalent of at least 10 recordings and fewer
- 46 than 100 recordings, during a 180-day period; or
- 47 (c) a class B misdemeanor if the offense involves [~~less~~] fewer than 10 recordings or
- 48 fewer than the commercial equivalent of 10 recordings.
- 49 (4) In addition to the penalties provided in Subsection (3), a court may order a person
- 50 who commits a violation of Subsection (2) to forfeit any recordings in the person's possession
- 51 that served as the basis for the violation of Subsection (2).