

1 **DIGITAL PIRACY AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Adam Gardiner**

5 Senate Sponsor: Don L. Ipson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends a provision related to unauthorized recording practices.

10 **Highlighted Provisions:**

11 This bill:

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

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **13-10-8**, as enacted by Laws of Utah 1995, Chapter 325

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

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

24 **13-10-8. Failure to disclose the origin of a recording -- Penalty.**

25 (1) For purposes of this section "recording" means:

26 (a) a tangible medium on which sounds or images are recorded or otherwise stored,
27 including an original phonograph record, disc, tape, audio or video cassette, wire, film, or other



28 similar medium; or
29 (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).

Legislative Review Note
Office of Legislative Research and General Counsel