

## **BILL ANALYSIS**

Senate Research Center  
79R5770 PEP-D

S.B. 481  
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State Affairs  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

It is estimated that, in 2004, the United States film industry lost \$3.5 billion due to illegal use of a video camera to steal a movie from a theater. According to the Motion Picture Association of America, in one year, more than 50 major movie titles were stolen by this method prior to their release in the United States. The illegal recordings were sold to source labs where they were duplicated, packaged, and sold on the black market across the country and overseas.

As proposed, S.B. 481 makes the unauthorized operation of a recording device in a theater while a movie is being shown a state jail felony. Further, S.B. 481 provides immunity to a theater owner or manager who detains a person on a good faith belief that the person was making an illegal recording of the movie.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 35, Business & Commerce Code, by adding Section 35.935, as follows:

Sec. 35.935. UNAUTHORIZED OPERATION OF A RECORDING DEVICE IN MOTION PICTURE THEATER. (a) Defines "audiovisual recording function" and "motion picture theater."

(b) Provides that a person commits an offense if the person knowingly operates the audiovisual recording function of any device in a motion picture theater, while a motion picture is being exhibited, without the consent of the owner of the theater.

(c) Provides that an offense under this section is a state jail felony.

(d) Provides that it is an exception to the application of this section that the audiovisual recording function of the device was operated solely for official law enforcement purposes.

(e) Authorizes a person whose conduct constitutes an offense under this section as well as another law to be prosecuted under this section, the other law, or both.

(f) Prohibits a person from obtaining damages in a civil action against the owner or manager, or an agent or employee of a motion picture theater arising out of an act taken in the course of detaining the person on a good faith belief that the person had violated this section, except in certain circumstances.

SECTION 2. Effective date: September 1, 2005.