

BILL ANALYSIS

Senate Research Center
79R11598 PEP-D

C.S.S.B. 481
By: Wentworth
State Affairs
4/5/2005
Committee Report (Substituted)

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.

C.S.S.B. 481 makes the unauthorized operation of a recording device in a theater while a movie is being shown a Class A Misdemeanor, unless the person has been previously convicted, in which case the offense is a felony. Further, C.S.S.B. 481 allows a person to detain another on a good faith belief that the person was making an illegal recording of the movie and to hold that person for a reasonable amount of time to allow for the arrival of law enforcement authorities.

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 Class A misdemeanor, except that the offense is a state jail felony if the person has been previously convicted one time of an offense under this section or a felony of the third degree if the person has been previously convicted two or more times of an offense under this section.

(d) Provides that it is a defense to prosecution under 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) Provides that a person who reasonably believes that another has knowingly operated the audiovisual recording function of any device in a motion picture theater in violation of this section is privileged to detain that person in a reasonable manner and for a reasonable time to allow for the arrival of law enforcement authorities.

SECTION 2. Effective date: September 1, 2005.