

HCS SS SB 1023 -- CRIMINAL USE OF AUDIOVISUAL DEVICES

SPONSOR: Griesheimer (Threlkeld)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 13 to 0.

This substitute creates the crime of criminal use of real property, a class A misdemeanor. The crime is committed when a person operates a video camera within a movie theater without the permission of the theater owner. A second or subsequent offense is a class D felony. The substitute exempts the owner of the movie theater from civil liability for detaining a person suspected of the offense, as long as the detention is reasonable.

The substitute also makes it a class C felony to interfere with any cable television equipment which results in the disruption or unauthorized use of any cable television service.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2005, FY 2006, and FY 2007. No impact on Other State Funds in FY 2005, FY 2006, and FY 2007.

PROPOSERS: Supporters say that the bill is needed to prevent the pirating of motion pictures. People are going into movie theaters with a video camera, recording the film, and selling DVD copies for \$5. The bill makes this a misdemeanor and allows the theater owner to detain the person until police arrive, like the shoplifting laws. The bill also clarifies that tampering with a cable television system is a violation of the theft of cable television statute.

Testifying for the bill were Representative Threlkeld for Senator Griesheimer; Motion Picture Association of America; and AT&T.

OPPOSERS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst