

FINAL BILL REPORT

SB 6378

C 119 L 04

Synopsis as Enacted

Brief Description: Prohibiting unauthorized recording of motion pictures.

Sponsors: Senators Esser, Haugen, McCaslin, Prentice, Hale, B. Sheldon and Keiser.

Senate Committee on Judiciary

House Committee on Criminal Justice & Corrections

Background: While it is a crime in Washington State to reproduce sound or use the recording of a live performance without owner consent, there is no statute making it a crime to record motion pictures without consent.

Summary: It is a crime to knowingly record a motion picture being shown in an exhibition facility without the consent of both the owner/lessee of the facility and the licensor of the motion picture. Offenders are guilty of a gross misdemeanor, punishable by up to one year in jail and/or a fine not to exceed \$5,000.

Owners, lessees, licensors, agents, and employees of motion picture exhibition facilities may not be held liable in any civil action for measures taken, in good faith, to detain a person reasonably believed to be recording a motion picture. However, the plaintiff, detainee, may rebut the owner with clear and convincing evidence that (1) the detention was manifestly unreasonable, or (2) the detention period was unreasonably long.

This crime does not apply to persons who operate recording functions of audiovisual devices in retail establishments. Nor does this crime apply to the use of recording devices in lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities involving the recording of motion pictures in exhibition facilities.

Votes on Final Passage:

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| Senate | 49 | 0 | |
| House | 96 | 0 | (House amended) |
| Senate | 48 | 0 | (Senate concurred) |

Effective: June 10, 2004