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**SUBSTITUTE HOUSE BILL 2723**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Morris, Carrell, Kirby, Wood, Benson, Darneille, Pearson, O'Brien and Anderson)

READ FIRST TIME 02/06/04.

1       AN ACT Relating to prohibiting unauthorized operation of a  
2 recording device in a motion picture exhibition facility; adding a new  
3 chapter to Title 19 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** (1) Whoever, without the consent of the  
6 owner or lessee of the motion picture exhibition facility and the  
7 licensor of the motion picture being exhibited, knowingly operates an  
8 audiovisual recording function of a device in a motion picture  
9 exhibition facility is guilty of a gross misdemeanor.

10       (2) The owner or lessee of a motion picture exhibition facility  
11 where a motion picture is being exhibited, or the authorized agent or  
12 employee of such owner or lessee, or the licensor of the motion picture  
13 being exhibited or his or her agent or employee, who alerts law  
14 enforcement authorities of an alleged violation of this section shall  
15 not be liable in any civil action arising out of measures taken by such  
16 owner, lessee, licensor, agent, or employee in the course of  
17 subsequently detaining a person that the owner, lessee, licensor,  
18 agent, or employee in good faith believed to have violated this section  
19 while awaiting the arrival of law enforcement authorities, unless the

1 plaintiff can show by clear and convincing evidence that such measures  
2 were manifestly unreasonable or the period of detention was  
3 unreasonably long.

4 (3) This section does not prevent any lawfully authorized  
5 investigative, law enforcement protective, or intelligence gathering  
6 employee or agent, of the state or federal government, from operating  
7 any audiovisual recording device in any motion picture exhibition  
8 facility where a motion picture is being exhibited, as part of lawfully  
9 authorized investigative, protective, law enforcement, or intelligence  
10 gathering activities.

11 (4) This section does not apply to a person who operates an  
12 audiovisual recording function of a device in a retail establishment  
13 solely to demonstrate the use of that device for sales purposes.

14 (5) For the purposes of this section:

15 (a) "Audiovisual recording function" means the capability of a  
16 device to record or transmit a motion picture or any part thereof by  
17 means of any technology now known or later developed.

18 (b) "Motion picture exhibition facility" means any theater,  
19 screening room, indoor or outdoor screening venue, auditorium,  
20 ballroom, or other premises where motion pictures are publicly  
21 exhibited, regardless of whether an admission fee is charged, but does  
22 not include a personal residence.

23 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new  
24 chapter in Title 19 RCW.

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