

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6378**

58th Legislature  
2004 Regular Session

Passed by the Senate March 8, 2004  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House March 3, 2004  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SENATE BILL 6378** as passed by the  
Senate and the House of  
Representatives on the dates  
hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 6378

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AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington                      58th Legislature                      2004 Regular Session

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

Read first time 01/19/2004. Referred to Committee on Judiciary.

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) For the purposes of this section:

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

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

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

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