

BILL ANALYSIS

H.B. 1871
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Camcorder theft is the use of a video camera (i.e. camcorder) to illicitly steal a movie from a movie theater, usually very early in its theatrical release or even prior to the film's U.S. release (at a promotional screening, etc.). This theft is often by sophisticated criminals who sell the master recordings to illicit "source labs" where they are illegally duplicated, packaged and sold on the black market. As a result, many motion pictures become available over the Internet as well as on street corners and flea markets around the world. This is a major threat to U.S. film distributors both at home and abroad.

House Bill 1871 proposes that Texas join eighteen other states and the District of Columbia that have laws enabling state and local authorities to arrest and prosecute individuals who criminally operate a camcorder in a movie theater, in order to deter this form of theft. In those states where statutes do not exist, the police cannot detain or cite the camcorder movie theft, as the specific act is not a crime.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1871 amends the Business & Commerce Code to create a state jail felony offense for the act of knowingly operating 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. A person may not obtain damages in a civil action against an owner or manager, agent or employee, of a movie theater, for detaining a person on a good faith belief that the person had committed this offense, unless it can be proven by clear and convincing evidence that the person was detained for a period longer than reasonably necessary to allow for the arrival of law enforcement authorities or that the person was detained in a manner that was manifestly unreasonable.

EFFECTIVE DATE

September 1, 2005.