

BILL ANALYSIS

S.B. 481
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Criminal Jurisprudence
Committee Report (Amended)

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.

Senate Bill 481 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.

S.B. 481 proposes to make camcorder theft a Class A misdemeanor offense, except that it is a state jail felony if the person has been previously convicted one time of the offense or a third degree felony if the person has been convicted two or more times.

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

Senate Bill 481 proposes to make camcorder theft a Class A misdemeanor offense, except that it is a state jail felony if the person has been previously convicted one time of the offense or a third degree felony if the person has been convicted two or more times. A person who reasonably believes that another has knowingly operated the recording function in a movie theater is privileged to detain that person in a reasonable manner and for a reasonable time to allow for the arrival of law enforcement.

EFFECTIVE DATE

September 1, 2005.

EXPLANATION OF AMENDMENTS

Amendment No. 1

The committee amendment clarifies that the person operating the audiovisual recording function would have had to intend to record the motion picture.