

By: Keel

H.B. No. 1871

A BILL TO BE ENTITLED

AN ACT

relating to creating an offense for the unauthorized operation of a recording device in a motion picture theater.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 35, Business & Commerce Code, is amended by adding Section 35.935 to read as follows:

Sec. 35.935. UNAUTHORIZED OPERATION OF RECORDING DEVICE IN MOTION PICTURE THEATER. (a) In this section:

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

(2) "Motion picture theater" means a movie theater, screening room, or other place primarily used to exhibit a motion picture.

(b) A person commits an offense if the person knowingly operates 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.

(c) An offense under this section is a state jail felony.

(d) It is a defense to prosecution under this section that the audiovisual recording function of the device was operated solely for official law enforcement purposes.

(e) If conduct constituting an offense under this section

1 also constitutes an offense under another law, the actor may be
2 prosecuted under this section, the other law, or both.

3 (f) A person may not obtain damages in a civil action
4 against the owner or manager of a motion picture theater, or an
5 agent or employee of the owner or manager, arising out of an act
6 taken in the course of detaining the person on a good faith belief
7 that the person had violated this section, unless the person can
8 show by clear and convincing evidence that:

9 (1) the person was detained for a period longer than
10 reasonably necessary to allow for the arrival of law enforcement
11 authorities; or

12 (2) an act taken during the course of detaining the
13 person was manifestly unreasonable.

14 SECTION 2. This Act takes effect September 1, 2005.