

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, with the intent to record a motion picture, knowingly operates the audiovisual recording function of any device in a motion picture theater, while the motion picture is being exhibited, without the consent of the owner of the theater.

(c) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the person has been previously convicted one time of an offense under this section; or

1 (2) a felony of the third degree if the person has been
2 previously convicted two or more times of an offense under this
3 section.

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

7 (e) If conduct constituting an offense under this section
8 also constitutes an offense under another law, the actor may be
9 prosecuted under this section, the other law, or both.

10 (f) A person who reasonably believes that another has
11 knowingly operated the audiovisual recording function of any device
12 in a motion picture theater in violation of this section is
13 privileged to detain that person in a reasonable manner and for a
14 reasonable time to allow for the arrival of law enforcement
15 authorities.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 481 passed the Senate on April 13, 2005, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 3, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 481 passed the House, with amendment, on April 27, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor