

1-1 By: Wentworth S.B. No. 481
1-2 (In the Senate - Filed February 11, 2005; February 22, 2005,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 6, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 481 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to creating an offense for the unauthorized operation of a
1-11 recording device in a motion picture theater.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter H, Chapter 35, Business & Commerce
1-14 Code, is amended by adding Section 35.935 to read as follows:

1-15 Sec. 35.935. UNAUTHORIZED OPERATION OF RECORDING DEVICE IN
1-16 MOTION PICTURE THEATER. (a) In this section:

1-17 (1) "Audiovisual recording function" means the
1-18 capability of a device to record or transmit a motion picture or any
1-19 part of a motion picture by means of any technology now known or
1-20 later developed.

1-21 (2) "Motion picture theater" means a movie theater,
1-22 screening room, or other place primarily used to exhibit a motion
1-23 picture.

1-24 (b) A person commits an offense if the person knowingly
1-25 operates the audiovisual recording function of any device in a
1-26 motion picture theater, while a motion picture is being exhibited,
1-27 without the consent of the owner of the theater.

1-28 (c) An offense under this section is a Class A misdemeanor,
1-29 except that the offense is:

1-30 (1) a state jail felony if the person has been
1-31 previously convicted one time of an offense under this section; or

1-32 (2) a felony of the third degree if the person has been
1-33 previously convicted two or more times of an offense under this
1-34 section.

1-35 (d) It is a defense to prosecution under this section that
1-36 the audiovisual recording function of the device was operated
1-37 solely for official law enforcement purposes.

1-38 (e) If conduct constituting an offense under this section
1-39 also constitutes an offense under another law, the actor may be
1-40 prosecuted under this section, the other law, or both.

1-41 (f) A person who reasonably believes that another has
1-42 knowingly operated the audiovisual recording function of any device
1-43 in a motion picture theater in violation of this section is
1-44 privileged to detain that person in a reasonable manner and for a
1-45 reasonable time to allow for the arrival of law enforcement
1-46 authorities.

1-47 SECTION 2. This Act takes effect September 1, 2005.

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