

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.

David Dewhurst

President of the Senate

Tom Craddick
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.

Letsy Jaw
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.

Robert Haney
Chief Clerk of the House

Approved:

13 MAY '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 P.M. O'CLOCK

Roger Williams
Secretary of State
MAY 13 2005