

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2442

4
5 By: Representative D. Johnson
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For An Act To Be Entitled

8
9 AN ACT TO CREATE THE OFFENSE OF MOTION PICTURE
10 PIRACY; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CREATE THE OFFENSE OF MOTION
14 PICTURE PIRACY.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1 is amended
20 to add an additional section to read as follows:

21 5-36-122. Motion picture piracy.

22 (a) As used in this section:

23 (1) "Audiovisual recording function" means the capability of a
24 device to record or transmit images, sounds, or any parts of images or
25 sounds;

26 (2) "Motion picture" means any series of images projected on a
27 film screen or displayed in or on any other matter in successive, slightly
28 changed positions so as to produce the optical effect of a continuous picture
29 in which the images move; and

30 (3) "Motion picture theater" means any movie theater, screening
31 room, or other venue that is utilized primarily for the exhibition of a
32 motion picture that has been produced for commercial distribution.

33 (b) A person commits motion picture piracy if, without the consent of
34 the motion picture theater owner or lessee, the person operates the
35 audiovisual recording function of any device in a motion picture theater
36 while a motion picture is being exhibited with the purpose of recording the



1 images or sounds of the motion picture.

2 (c)(1)(A) An owner, a lessee, or an employee of a motion picture
3 theater who reasonably suspects a person of committing motion picture piracy
4 in the motion picture theater may detain the person in a reasonable manner
5 and for a reasonable length of time in order to identify the person and to
6 transfer custody of the person to a law enforcement officer.

7 (B) A detention conducted in a reasonable manner and for a
8 reasonable length of time by an owner, a lessee, or an employee of the motion
9 picture theater shall not render the owner, lessee, or employee criminally
10 or civilly liable for false arrest, false imprisonment, or unlawful
11 detention.

12 (2)(A) Upon detention of a person under this section, an owner,
13 a lessee, or an employee of the motion picture theater shall promptly and
14 without delay contact a law enforcement agency and the owner, lessee, or
15 employee of the motion picture theater shall release the person to the
16 custody of the responding law enforcement officer.

17 (B) The owner, lessee, or employee of a motion picture
18 theater who observed the person reasonably suspected of committing the
19 offense of motion picture piracy shall provide a written statement to the
20 responding law enforcement officer that shall serve as probable cause to
21 justify an arrest.

22 (3)(A) A law enforcement officer may arrest a person without a
23 warrant upon probable cause for believing the person has committed the
24 offense of motion picture piracy.

25 (B) Upon arrest by a law enforcement officer, the arrested
26 person shall be afforded the opportunity to make a bond or recognizance as in
27 other criminal cases.

28 (d) This section shall not prevent any investigative, law enforcement,
29 protective, or intelligence officer, employee, or agent of the local
30 municipality, county, state, or federal government from operating any
31 audiovisual recording device in a motion picture theater as part of a
32 lawfully authorized investigative, law enforcement, protective, or
33 intelligence gathering activity.

34 (e)(1) Motion picture piracy is a Class A misdemeanor.

35 (2) A second or subsequent violation of this section is a Class
36 D felony.