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**HOUSE BILL NO. 1129**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend the Code of Virginia by adding a section numbered 18.2-187.2, relating to the audiovisual recording of motion pictures.*

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Patron—McDonnell

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 18.2-187.2 as follows:****§ 18.2-187.2. Audiovisual recording of motion pictures unlawful; penalty.**

*A. It shall be unlawful for any person to operate an audiovisual recording device in a theater or other premises where a motion picture is being exhibited without the consent of the owner or lessee of the theater or other premises and the licensor of the motion picture being exhibited. Any person who violates the provisions of this section is guilty of a Class 6 felony.*

*B. The owner or lessee of a theater or other premises where a motion picture is being exhibited, or his authorized agent or employee, or the licensor of the motion picture being exhibited, or his authorized agent or employee, may (i) detain a person suspected of violating this section for not more than one hour after notifying law-enforcement authorities of such suspected violation if such owner, lessee, licensor, agent or employee had at the time of such detention a reasonable belief that such person had violated this section and (ii) take possession of any audiovisual recording device and its contents that he reasonably believed was used in a violation of this section and promptly deliver such audiovisual recording device and its contents to law-enforcement authorities. Such owner, lessee, licensor, agent or employee shall not be liable in any civil proceeding or subject to any criminal penalty as a result of such action.*

*C. This section shall not apply to any lawfully authorized investigative, law-enforcement, protective, or intelligence gathering activity by an agent or employee of the Commonwealth or the federal government.*

*D. The term "audiovisual recording device" means an analog or digital photographic or video camera or other device now known or later developed that is capable of recording or transmitting a copy of a motion picture or any part thereof.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

HB1129