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HOUSE BILL NO. 1129

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 6, 2004)

(Patron Prior to Substitute—Delegate McDonnell)

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.

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 function of a device in a commercial theater, excluding the lobby and other common areas, to record a motion picture or any portion thereof without the consent of the owner or lessee of the theater. Any person who violates the provisions of this section is guilty of a Class 1 misdemeanor.

B. The owner or lessee of a commercial theater 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 and detention of the person if such owner, lessee, licensor, agent or employee had at the time of such detention probable cause to believe 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 function" means that component of an analog or digital photographic or video camera or other device developed with the capability to record or transmit a motion picture or any part thereof.