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SENATE BILL NO. 1397

Offered January 19, 2007

A BILL to amend and reenact § 59.1-41.6 of the Code of Virginia, relating to penalty for sale of unlawful sound or audio-visual recordings; penalty.

Patron—McDougle

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-41.6 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-41.6. Penalties for violation of chapter.

Violations of this chapter are punishable as follows:

1. ~~Any~~ Except as otherwise provided in this section, any person convicted of an offense under this chapter ~~shall be~~ is guilty of a Class 1 misdemeanor; ~~however:~~

a2. Any person convicted of an offense involving at least 100 unlawful sound recordings or twenty unlawful audio visual recordings during any 180-day period ~~is guilty of a felony shall be~~ punishable by a term of imprisonment of not less than one nor more than two years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$5,000, either or both;

b3. Any person convicted of an offense involving at least 1,000 unlawful sound recordings or sixty-five unlawful audio visual recordings during any 180-day period ~~is guilty of a felony shall be~~ punishable by a term of imprisonment of not less than one nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$100,000, either or both; and

e4. Any second or subsequent felony offense under this chapter shall be punishable by a term of imprisonment of not less than one nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$100,000, either or both.

25. ~~If a person is convicted~~ Upon conviction of a person of any offense under this chapter, the court in its judgment of conviction may order the forfeiture and destruction or other disposition of all infringing recordings and of all implements, devices and equipment used ~~or intended to be used by the~~ person in the manufacture of the infringing recordings.

INTRODUCED

SB1397