

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 713

1 AN ACT TO CREATE THE OFFENSE OF USING AN AUDIOVISUAL
2 RECORDING DEVICE IN A MOTION PICTURE THEATER; AND FOR RELATED
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) Any person who knowingly operates the
6 audiovisual recording function of any device in a motion picture
7 theater while a motion picture is being exhibited without the
8 consent of the motion picture theater owner commits a crime
9 punishable as provided in subsection (7) of this section.

10 (2) The term "audiovisual recording function" means the
11 capability of a device to record or transmit a motion picture or
12 any part thereof by means of any technology whether developed
13 before or after July 1, 2005.

14 (3) The term "motion picture theater" means a movie theater,
15 screening room or other venue that is being utilized primarily for
16 the exhibition of a motion picture at the time of the alleged
17 offense.

18 (4) The owner or lessee of a motion picture theater, or the
19 authorized agent or employee of the owner or lessee, who alerts
20 law enforcement authorities of an alleged violation of this
21 section shall not be liable in any civil action arising out of
22 measures taken while awaiting the arrival of law enforcement
23 authorities by the owner, lessee, agent or employee in the course
24 of subsequently detaining a person whom the owner, lessee, agent
25 or employee in good faith believed to have violated this section
26 unless the plaintiff can show by clear and convincing evidence

27 that the measures were manifestly unreasonable or the period of
28 detention was unreasonably long.

29 (5) This section does not prevent any lawfully authorized
30 investigative, law enforcement, protective, or intelligence
31 gathering employee or agent of the local, state or federal
32 government from operating any audiovisual recording device in a
33 motion picture theater as part of lawfully authorized
34 investigative, protective, law enforcement, or intelligence
35 gathering activities.

36 (6) Nothing in this section shall prevent prosecution under
37 any provision of law providing for greater penalty.

38 (7) A person convicted of violating this section shall be
39 punished by a fine not to exceed One Thousand Dollars (\$1,000.00)
40 or imprisonment in the county jail not to exceed six (6) months,
41 or either.

42 **SECTION 2.** This act shall take effect and be in force from
43 and after July 1, 2005.