



General Assembly

February Session, 2004

Amendment

LCO No. 3815

HB0565303815HDO

Offered by:

REP. STONE, 9th Dist.

REP. MERRILL, 54th Dist.

REP. FARR, 19th Dist.

To: Subst. House Bill No. 5653

File No. 497

Cal. No. 343

"AN ACT CONCERNING THE UNLAWFUL USE OF A RECORDING DEVICE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2004*) (a) As used in this
4 section: (1) "Audiovisual recording function" means the capability of a
5 device to record or transmit a motion picture by means of any
6 technology, and (2) "motion picture theater" means a movie theater or
7 screening room that, at the time of the offense, is being used for the
8 exhibition of a motion picture.

9 (b) Any person who knowingly operates an audiovisual recording
10 function of a device in a motion picture theater while a motion picture
11 is being exhibited without the consent of the owner or lessee of such
12 theater and with the intent to record such motion picture shall be

13 guilty of a class B misdemeanor.

14 (c) Whenever the owner or lessee of a motion picture theater where
15 a motion picture is being exhibited, or an employee or authorized
16 agent of such owner or lessee, has reasonable grounds to believe that a
17 person is operating or attempting to operate an audiovisual recording
18 function of a device in such theater in violation of subsection (b) of this
19 section, such owner, lessee, employee or agent may question such
20 person as to such person's name and address and may detain such
21 person for a time sufficient to summon a police officer to the premises.
22 No other information shall be required of such person until a police
23 officer has taken such person into custody. For the purposes of this
24 subsection, "reasonable grounds" means knowledge that a person has
25 operated or attempted to operate an audiovisual recording function of
26 a device in such theater.

27 (d) In any civil action by a person detained under the provisions of
28 subsection (c) of this section against the person so detaining him or
29 her, or the principal or employer of such person, arising out of such
30 questioning or detention by any such owner, lessee, employee or
31 agent, evidence that the defendant had reasonable grounds to believe
32 that the plaintiff was, at the time in question, operating or attempting
33 to operate an audiovisual recording function of a device in a motion
34 picture theater while a motion picture was being exhibited without the
35 consent of the owner or lessee of such facility shall create a rebuttable
36 presumption that the plaintiff was so operating or attempting to
37 operate such audiovisual recording function.

38 (e) The provisions of this section shall not apply to the operation of
39 an audiovisual recording function of a device by any authorized
40 employee or agent of a local, state or federal law enforcement agency
41 while such employee or agent is engaged in authorized investigative,
42 protective, law enforcement or intelligence gathering activities.

43 (f) Nothing in this section shall preclude prosecution of a person
44 under any other provision of the general statutes."

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>