
ASSEMBLY BILL NO. 124—COMMITTEE ON JUDICIARY

FEBRUARY 23, 2005

Referred to Committee on Judiciary

SUMMARY—Prohibits operation of audiovisual recording function of device in motion picture theater. (BDR 15-644)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; prohibiting a person from operating an audiovisual recording function of a device in a motion picture theater under certain circumstances; providing immunity from civil liability under certain circumstances to an owner or lessee of a motion picture theater who detains a person believed to have violated that prohibition; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates various crimes against property, including theft and larceny. (Chapter 205 of NRS)

This bill creates a new crime against property by prohibiting a person from knowingly operating an audiovisual recording device, such as a camcorder, in a motion picture theater while a movie is being shown, unless the owner or lessee of the motion picture theater consents or the device is operated by a law enforcement agency under certain circumstances. A person who commits this crime is guilty of a misdemeanor for a first offense and is guilty of a category D felony for a second or subsequent offense.

This bill also authorizes an owner or lessee of a motion picture theater, or an agent or employee of either, to detain a person who is reasonably believed to have operated an audiovisual recording device in the motion picture theater in an unauthorized manner. The detention must be for the purpose of informing a law enforcement agency. An owner or lessee of a motion picture theater, or an agent or employee of either, who detains a person pursuant to that authority is immune from



16 civil liability for actions taken to detain the person after informing a law
17 enforcement agency, unless the actions taken were unreasonable or the length of the
18 detention was unreasonable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 205 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 4, it is unlawful*
4 *for a person to, without the consent of the owner or lesser of a*
5 *motion picture theater, knowingly operate the audiovisual*
6 *recording function of any device in the motion picture theater*
7 *while a motion picture is being exhibited in that theatre.*

8 2. *Unless a greater penalty is imposed by a specific statute, a*
9 *person who violates the provisions of subsection 1 is guilty of:*

10 (a) *For a first offense, a misdemeanor; and*

11 (b) *For a second or any subsequent offense, a category D*
12 *felony and shall be punished as provided in NRS 193.130.*

13 3. *An owner or lessee of a motion picture theater, and an*
14 *authorized agent or employee of an owner or lessee of a motion*
15 *picture theater, may detain in a reasonable manner and for a*
16 *reasonable length of time a person who the owner, lessee, agent or*
17 *employee in good faith believes has violated the provisions of*
18 *subsection 1 for the purpose of informing a law enforcement*
19 *agency of the circumstances which prompted the detention. Such*
20 *detention by an owner, lessee, agent or employee does not render*
21 *the owner, lessee, agent or employee liable in any civil action*
22 *arising out of any action taken by the owner, lessee, agent or*
23 *employee after he informs a law enforcement agency of the*
24 *circumstances which prompted the detention and while awaiting*
25 *the arrival of the law enforcement agency, unless the plaintiff in*
26 *the civil action proves by clear and convincing evidence that any*
27 *action taken was unreasonable or that the period of detention was*
28 *unreasonably long.*

29 4. *This section does not prevent a federal, state or local*
30 *governmental agency or officer thereof who is engaged in any*
31 *lawful activity related to an investigation, protecting the public,*
32 *enforcing the laws or gathering information from operating any*
33 *audiovisual recording function of any device in a motion picture*
34 *theater as part of that lawful activity.*

35 5. *As used in this section:*

36 (a) *“Audiovisual recording function” means a function which*
37 *is capable of recording or transmitting a motion picture or any*



- 1 *part thereof by means of any technology now known or later*
- 2 *developed.*
- 3 *(b) “Motion picture theater” means a movie theater, screening*
- 4 *room or other venue that is used primarily for the exhibition of a*
- 5 *motion picture.*



