

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 under certain circumstances. (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 criminal and 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 with the intent to record a movie being shown in the motion picture theater, 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 violated this new crime. The detention must be for the purpose of informing a peace officer. 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 certain criminal and civil liability unless the custody and detention were unreasonable under all the circumstances.



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17 This bill further provides that an owner or lessee of a motion picture theater, or
18 an agent or employee of either, is entitled to the immunity liability described only if
19 a notice is displayed in the theater stating that it is a crime to record a movie in the
20 theater and the circumstances in which a person may be detained.

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 5, it is unlawful*
4 *for a person to, without the consent of the owner or lessee of a*
5 *motion picture theater, knowingly operate an audiovisual*
6 *recording function of any device in the motion picture theater with*
7 *the intent to record a motion picture that is being exhibited in that*
8 *theater.*

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

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

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

14 *3. An owner or lessee of a motion picture theater and an*
15 *authorized agent or employee of an owner or lessee of a motion*
16 *picture theater who has reason to believe that a person has*
17 *operated an audiovisual recording function of any device in the*
18 *motion picture theater in violation of subsection 1 may take the*
19 *person into custody and detain him, on the premises of the motion*
20 *picture theater, in a reasonable manner and for a reasonable*
21 *length of time, for the purpose of informing a peace officer of the*
22 *circumstances of such detention. The owner, lessee, agent or*
23 *employee is presumed to have reason to believe that a person has*
24 *operated an audiovisual recording function of any device in*
25 *violation of subsection 1 if the owner, lessee, agent or employee*
26 *observed the person aiming the device at a screen or other surface*
27 *while a motion picture was being exhibited on the screen or other*
28 *surface. Such taking into custody and detention by an owner,*
29 *lessee, agent or employee does not render the owner, lessee, agent*
30 *or employee criminally or civilly liable for false arrest, false*
31 *imprisonment, slander or unlawful detention unless the taking*
32 *into custody and detention are unreasonable under all the*
33 *circumstances.*

34 *4. An owner, lessee, agent or employee is not entitled to the*
35 *immunity from liability provided for in this section unless there is*
36 *displayed in a conspicuous place on the premises of the motion*



1 *picture theater a notice in boldface type clearly legible and in*
2 *substantially the following form:*

3
4 *It is a crime to record a movie in this theater. If the*
5 *owner or lessee of the theater or his employee or agent has*
6 *reason to believe that a person is recording a movie in this*
7 *theater, he may detain the person on the premises of the*
8 *theater for the purpose of notifying a peace officer.*
9 *Violators of this crime are subject to arrest and prosecution.*
10 *Section 1 of this act.*

11 5. *This section does not prevent a federal, state or local*
12 *governmental agency or officer thereof who is engaged in any*
13 *lawful activity related to an investigation, protecting the public,*
14 *enforcing the laws or gathering information from operating any*
15 *audiovisual recording function of any device in a motion picture*
16 *theater as part of that lawful activity.*

17 6. *As used in this section:*

18 (a) *“Audiovisual recording function” means a function which*
19 *is capable of recording or transmitting a motion picture or any*
20 *part thereof by means of any technology now known or later*
21 *developed.*

22 (b) *“Motion picture theater” means a movie theater, screening*
23 *room or other venue that is used primarily for the exhibition of a*
24 *motion picture.*



