

Amendment No. 78

Assembly Amendment to Assembly Bill No. 124

(BDR 15-644)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, line 3, by deleting “4,” and inserting “5,”.

Amend section 1, page 2, line 4, by deleting “*lesser*” and inserting “*lessee*”.

Amend section 1, page 2, line 5, by deleting “*the*” and inserting “*an*”.

Amend section 1, page 2, by deleting line 7 and inserting:

“with the intent to record a motion picture that is being exhibited in that theater.”.

Amend section 1, page 2, by deleting lines 13 through 28 and inserting:

“3. An owner or lessee of a motion picture theater and an authorized agent or employee of an owner or lessee of a motion picture theater who has reason to believe that a person has operated an audiovisual recording function of any device in the motion picture theater in violation of subsection 1 may take the person into custody and detain him, on the premises of the motion picture theater, in a reasonable manner and for a reasonable length of time, for the purpose of

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Date: 4/4/2005

A.B. No. 124—Prohibits operation of audiovisual recording function of device in motion picture theater.

informing a peace officer of the circumstances of such detention. The owner, lessee, agent or employee is presumed to have reason to believe that a person has operated an audiovisual recording function of any device in violation of subsection 1 if the owner, lessee, agent or employee observed the person aiming the device at a screen or other surface while a motion picture was being exhibited on the screen or other surface. Such taking into custody and detention by an owner, lessee, agent or employee does not render the owner, lessee, agent or employee criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention unless the taking into custody and detention are unreasonable under all the circumstances.

4. An owner, lessee, agent or employee is not entitled to the immunity from liability provided for in this section unless there is displayed in a conspicuous place on the premises of the motion picture theater a notice in boldface type clearly legible and in substantially the following form:

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

Amend section 1, page 2, line 29, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 35, by deleting “5.” and inserting “6.”.

Amend the title of the bill, fourth line, after “from” by inserting “criminal and”.

Amend the summary of the bill to read as follows:

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

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

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.

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