

RCW 19.235.010 Motion picture—Unauthorized recording—Penalty.

(1) Whoever, without the consent of the owner or lessee of the motion picture exhibition facility and the licensor of the motion picture being exhibited, knowingly operates an audiovisual recording function of a device in a motion picture exhibition facility is guilty of a gross misdemeanor.

(2) The owner or lessee of a motion picture exhibition facility where a motion picture is being exhibited, or the authorized agent or employee of such owner or lessee, or the licensor of the motion picture being exhibited or his or her agent or employee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken by such owner, lessee, licensor, agent, or employee in the course of subsequently detaining a person that the owner, lessee, licensor, agent, or employee in good faith believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that such measures were manifestly unreasonable or the period of detention was unreasonably long.

(3) This section does not prevent any lawfully authorized investigative, law enforcement protective, or intelligence gathering employee or agent, of the state or federal government, from operating any audiovisual recording device in any motion picture exhibition facility where a motion picture is being exhibited, as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.

(4) For the purposes of this section:

(a) "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed.

(b) "Motion picture exhibition facility" means any theater, screening room, indoor or outdoor screening venue, auditorium, ballroom, or other premises where motion pictures are publicly exhibited, regardless of whether an admission fee is charged, but does not include a personal residence or retail establishment. [2004 c 119 § 1.]