
HOUSE BILL 2723

State of Washington 58th Legislature 2004 Regular Session

By Representatives Morris, Carrell, Kirby, Wood, Benson, Darneille, Pearson, O'Brien and Anderson

Read first time 01/20/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to prohibiting unauthorized operation of a
2 recording device in a motion picture exhibition facility; adding a new
3 chapter to Title 19 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Whoever, without the consent of the
6 owner or lessee of the motion picture exhibition facility and the
7 licensor of the motion picture being exhibited, knowingly operates an
8 audiovisual recording function of a device in a motion picture
9 exhibition facility is guilty of a crime punishable under subsection
10 (5) of this section.

11 (2) The owner or lessee of a motion picture exhibition facility
12 where a motion picture is being exhibited, or the authorized agent or
13 employee of such owner or lessee, or the licensor of the motion picture
14 being exhibited or his or her agent or employee, who alerts law
15 enforcement authorities of an alleged violation of this section shall
16 not be liable in any civil action arising out of measures taken by such
17 owner, lessee, licensor, agent, or employee in the course of
18 subsequently detaining a person that the owner, lessee, licensor,
19 agent, or employee in good faith believed to have violated this section

1 while awaiting the arrival of law enforcement authorities, unless the
2 plaintiff can show by clear and convincing evidence that such measures
3 were manifestly unreasonable or the period of detention was
4 unreasonably long.

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

12 (4) This section does not apply to a person who operates an
13 audiovisual recording function of a device in a retail establishment
14 solely to demonstrate the use of that device for sales purposes.

15 (5)(a) Except as provided in (b) of this subsection, a violation of
16 this section is a gross misdemeanor, punishable according to chapter
17 9A.20 RCW.

18 (b) A second or subsequent violation of this section is a class C
19 felony, punishable according to chapter 9A.20 RCW.

20 (6) For the purposes of this section:

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

24 (b) "Motion picture exhibition facility" means any theater,
25 screening room, indoor or outdoor screening venue, auditorium,
26 ballroom, or other premises where motion pictures are publicly
27 exhibited, regardless of whether an admission fee is charged, but does
28 not include a personal residence.

29 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
30 chapter in Title 19 RCW.

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