

CERTIFICATION OF ENROLLMENT

SENATE BILL 6378

Chapter 119, Laws of 2004

58th Legislature
2004 Regular Session

MOVIE THEATERS--UNAUTHORIZED RECORDING

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 8, 2004
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2004
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 6378 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 24, 2004.

FILED

March 24, 2004 - 3:10 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6378

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Esser, Haugen, McCaslin, Prentice, Hale, B. Sheldon and Keiser

Read first time 01/19/2004. Referred to Committee on Judiciary.

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 gross misdemeanor.

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

1 plaintiff can show by clear and convincing evidence that such measures
2 were manifestly unreasonable or the period of detention was
3 unreasonably long.

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

11 (4) For the purposes of this section:

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

15 (b) "Motion picture exhibition facility" means any theater,
16 screening room, indoor or outdoor screening venue, auditorium,
17 ballroom, or other premises where motion pictures are publicly
18 exhibited, regardless of whether an admission fee is charged, but does
19 not include a personal residence or retail establishment.

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

Passed by the Senate March 8, 2004.
Passed by the House March 3, 2004.
Approved by the Governor March 24, 2004.
Filed in Office of Secretary of State March 24, 2004.