

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5347

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 465a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 465a. (1) A person who knowingly operates an
2 audiovisual recording function of a device in a theatrical
3 facility where a motion picture is being exhibited without the
4 consent of the owner or lessee of that theatrical facility and of
5 the licensor of the motion picture being exhibited is guilty of a
6 crime as follows:

7 (a) Except as provided in subdivisions (b) and (c), the
8 person is guilty of a misdemeanor punishable by imprisonment for
9 not more than 1 year or a fine of not more than \$10,000.00, or
10 both.

11 (b) If the person has 1 prior conviction for violating this

House Bill No. 5347 as amended September 29, 2004

1 subsection, the person is guilty of a felony punishable by
2 imprisonment for not more than 2 years or a fine of not more than
3 \$20,000.00, or both.

4 (c) If the person has 2 or more prior convictions for
5 violating this subsection, the person is guilty of a felony
6 punishable by imprisonment for not more than 4 years or a fine of
7 not more than \$40,000.00, or both.

8 (2) This section does not prevent any lawfully authorized
9 investigative, law enforcement, protective, or intelligence
10 gathering employee or agent, of this state or the United States,
11 from operating the audiovisual recording function of a device in
12 a theatrical facility where a motion picture is being exhibited
13 as part of an investigative, protective, law enforcement, or
14 intelligence-gathering activity.

15 (3) This section does not prohibit a person from being
16 charged with, convicted of, or punished for any other violation
17 of law that <<proscribes>> conduct described in this section and that
18 provides a greater penalty.

19 (4) As used in this section:

20 (a) "Audiovisual recording function" means the capability of
21 a device to record or transmit a motion picture or any part of a
22 motion picture by technological means.

23 (b) "Theatrical facility" <<means a facility being used to exhibit a
24 motion picture to the public, but>> does not include an individual's
25 residence or a retail establishment.

26 Enacting section 1. This amendatory act takes effect 90
days after the date it is enacted.