

SENATE BILL No. 1387

September 14, 2004, Introduced by Senators SANBORN and BISHOP and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2953a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2953a. (1) A person who commits an act that
2 constitutes a motion picture recording violation is liable to a
3 person injured by the violation for 1 or more of the following:

4 (a) Actual damages.

5 (b) Exemplary damages of not more than \$1,000.00.

6 (c) If the person who committed the violation was acting for
7 direct or indirect commercial advantage or financial gain,
8 exemplary damages of not more than \$50,000.00.

9 (d) Reasonable attorney fees and costs.

10 (2) If a person who commits an act that constitutes a motion
11 picture recording violation is an unemancipated minor who lives

1 with his or her parent or parents, the parent or parents are also
2 liable to a person injured by the violation for damages allowable
3 under this section.

4 (3) A person injured by a motion picture recording violation
5 may recover damages described in subsection (1) only if a formal
6 incident report that contains factual allegations that the
7 defendant committed a motion picture recording violation is filed
8 with a local law enforcement agency with jurisdiction over the
9 location where the violation took place. However, recovery under
10 this section is not dependent on the outcome of a criminal
11 prosecution.

12 (4) A person injured by a motion picture recording violation
13 may bring an action to enjoin a person from the unauthorized
14 recording, receipt, or transmission of a recording or
15 transmission of a motion picture or a part of a motion picture
16 obtained or made by a motion picture recording violation or from
17 committing a motion picture recording violation. A person may
18 bring an action under this subsection regardless of whether the
19 person has suffered or will suffer actual damages.

20 (5) An action under this section is in addition to any other
21 criminal or civil penalties or remedies provided by law.

22 (6) As used in this section:

23 (a) "Motion picture recording violation" means a violation
24 of section 465a of the Michigan penal code, 1931 PA 328, MCL
25 750.465a.

26 (b) "A person injured by a motion picture recording
27 violation" includes, but is not limited to, the licensor of the

1 motion picture that is the subject of the violation and the owner
2 or lessee of the facility where the motion picture that is the
3 subject of the violation was being shown.

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

6 Enacting section 2. This amendatory act does not take
7 effect unless House Bill No. 5347 of the 92nd Legislature is
8 enacted into law.