

Act No. 423
Public Acts of 2004
Approved by the Governor
December 15, 2004
Filed with the Secretary of State
December 15, 2004
EFFECTIVE DATE: March 15, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Reps. Nofs, Stakoe, Meyer, Hager, Stewart, Shaffer, Mortimer, Acciavatti, LaJoy, Brandenburg, Newell, Pastor, Pappageorge, Stahl, Garfield, Wenke, Howell, Rocca, Gaffney, Hoogendyk, Ward, Casperson, Palsrok, DeRoche, Farhat, Moolenaar, Hune, Phillips, Kooiman, Farrah, Condino, Vagnozzi, Sak, O'Neil, Dennis, Hunter, Accavitti, Jamnick, Tobocman, Minore, Clack and Zelenko

ENROLLED HOUSE BILL No. 5347

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 465a.

The People of the State of Michigan enact:

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

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

(b) If the person has 1 prior conviction for violating this subsection, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$20,000.00, or both.

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

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

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

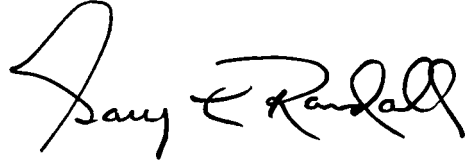
(4) As used in this section:

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor