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HOUSE BILL 802

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO CRIME; PROHIBITING CERTAIN RECORDING OR
TRANSMISSION OF A MOTION PICTURE; ESTABLISHING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. UNLAWFUL OPERATION OF A RECORDING DEVICE. --

A. Unlawful operation of a recording device consists of a person knowingly operating an audiovisual recording device to record a motion picture in a motion picture theater while a motion picture is being exhibited without the consent of the motion picture theater owner or manager. A person who commits unlawful operation of a recording device is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

B. The owner, manager or lessee of a motion picture theater, or his agent or employee who alerts law enforcement

underscored material = new
[bracketed material] = delete

1 authorities that an alleged violation of Subsection A of this
2 section is taking place is not liable in any civil action
3 arising from the detention of the person alleged to be
4 operating or to have operated the recording device when the
5 owner, manager or lessee or his agent or employee is acting in
6 good faith, unless the plaintiff can show by clear and
7 convincing evidence that the detention measures were
8 unreasonable or the period of detention was unreasonably long.

9 C. This section does not prevent any law
10 enforcement personnel from operating any audiovisual recording
11 device in a motion picture theater as part of a lawfully
12 authorized investigation.

13 D. Nothing in this section prevents prosecution
14 under any other statutes.

15 E. As used in this section:

16 (1) "audiovisual recording device" means a
17 device capable of recording or transmitting a motion picture or
18 any part of a motion picture by means of any technology; and

19 (2) "motion picture theater" means a movie
20 theater, screening room or other venue used primarily for the
21 exhibition of motion pictures.