

Senate Bill 439

By: Senators Seabaugh of the 28th, Starr of the 44th, Adelman of the 42nd and Hamrick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,
2 relating to criminal reproduction and sale of recorded material, so as to create a new offense
3 relating to film piracy; to amend Article 4 of Chapter 7 of Title 51 of the Official Code of
4 Georgia Annotated, relating to detention or arrest on suspicion of shoplifting, so as to provide
5 immunity for detention due to suspicion of film piracy; to provide for penalties; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to
10 criminal reproduction and sale of recorded material, is amended by adding a new Code
11 section to the end of the article to read as follows:

12 "16-8-62.

13 (a) For purposes of this Code section, the term 'audiovisual recording device' means any
14 device capable of recording or transmitting a motion picture, or any part thereof, using any
15 technology now known or later developed.

16 (b) Any person who operates the recording function of an audiovisual recording device
17 while a motion picture is being exhibited, without the consent of the owner, operator, or
18 lessee of the exhibition facility and of the licensor of the motion picture being exhibited,
19 shall be guilty of film piracy.

20 (c) The provisions of this Code section shall not be construed to prevent any lawfully
21 authorized investigative, law enforcement, or intelligence personnel of the state or federal
22 government from operating any audiovisual recording device in a facility where a motion
23 picture is being exhibited as part of their official duties or activities.

24 (d) A prosecution under this Code section shall not preclude obtaining any other civil or
25 criminal remedy under any other provision of law.

1 (e) Violation of this Code section is a misdemeanor of a high and aggravated nature and
2 punishable upon conviction as provided in Code Section 17-10-4."

3 **SECTION 2.**

4 Article 4 of Chapter 7 of Title 51 of the Official Code of Georgia Annotated, relating to
5 detention or arrest on suspicion of shoplifting, is amended by adding a new Code section to
6 the end of the article to read as follows:

7 "51-7-62

8 Whenever the owner, operator, or lessee of a motion picture exhibition facility or any agent
9 or employee of the owner, operator, or lessee detains, arrests, or causes to be detained or
10 arrested any person reasonably thought to be engaged in film piracy in violation of Code
11 Section 16-8-62 and, as a result of the detention or arrest, the person so detained or arrested
12 brings an action for false arrest or false imprisonment against the owner, operator, lessee,
13 agent, or employee, no recovery shall be had by the plaintiff in such action where it is
14 established by competent evidence:

15 (1) That the plaintiff had so conducted himself or herself or behaved in such manner as
16 to cause a person of reasonable prudence to believe that the plaintiff, at or immediately
17 prior to the time of the detention or arrest, was committing the offense of film piracy, as
18 defined by Code Section 16-8-62; or

19 (2) That the manner of the detention or arrest and the length of time during which such
20 plaintiff was detained was under all the circumstances reasonable."

21 **SECTION 3.**

22 All laws and parts of laws in conflict with this Act are repealed.