

State Statutes Prohibiting the Operation of a Recording Device in a Movie Theater

STATE	STATUTE CITATION	DATE ENACTED	PENALTY
Alabama		May 8, 2008	The first offense is a class A misdemeanor, punishable by up to one year in jail and a \$2,000 fine, or both. Subsequent offenses are class C felonies, punishable by up to ten years in jail and a \$5,000 fine, or both.
Arizona	Arizona Revised Statutes: § 13-3723	April 7, 2004	Class 1 Misdemeanor. Maximum six month imprisonment; fine of not more than two thousand five hundred dollars; or both.
Arkansas	§ 5-36-122	April 15, 2005	Class A Misdemeanor: One year in jail, \$1000 fine, or both.
California	Cal Pen Code: § 653z Theater Owners Immunity: § 490.5	October 2, 2003	Misdemeanor offense Imprisonment not exceeding one year and/or fine not exceeding two thousand five hundred dollars
Colorado	CRA § 18-4-516	May 21, 2004	Class 1 Misdemeanor with minimum of 6 mos of jail and \$500 fine and maximum of 18 months and \$5000 fine
Connecticut	Public Act 04-187	June 3, 2004	Class B misdemeanor: Maximum six months in prison, \$1,000 fine, or both.
Delaware	SB 321	June 28, 206	Extraordinary misdemeanor with a maximum penalty of up to one year in jail and a fine of up to \$50,000.
District of Columbia	D.C. Code: § 22-3214.02	October 31, 1995	Imprisonment for not more than 90 days and/or fine not more than \$300
Florida	Fla. Stat: § 540.12	June 24, 2004	First offense: First Degree Misdemeanor [maximum penalty of one year in jail and a \$1,000 fine] Second offense: Third Degree Felony [maximum penalty of five years in jail and a \$25,000 fine]
Georgia	O.C.G.A.: § 16-8-62	May 17, 2004	First offense: Misdemeanor [imprisonment for up to one year in jail, \$1,000 fine or both] Second offense: Felony [imprisonment for more than one year; \$100,000 fine or both]
Hawaii	Hawaii Revised Statutes (HRS): Chapter 708 Definitions/ penalty § 663-2 Detention/ immunity	May 18, 2005	Misdemeanor with 1 year in jail, \$2000 fine or both.
Idaho	§ 18-6901	April 1, 2005	Class A Misdemeanor: One year in jail, \$1000 fine or both.
Illinois	720 ILCS 5/21-10	July 24, 2004	Class 4 Felony with up to 3 years in jail and \$25,000 fine
Indiana	Indiana Code 35-33-6-1	May 3, 2005	Class B Misdemeanor: 180 days in jail, \$1000

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			fine or both.
Kansas	KSA 51-301 KSA 51-303 detention/ immunity	April 12, 2004	First offense: Class A misdemeanor [imprisonment for up to one year in jail, a \$2,500 fine, or both] Second offense: Level 9 felony [up to a \$100,000 fine, five to 17 months in jail, or both.
Louisiana	R.S. 14:223.9	August 15, 2005.	Two-tiered misdemeanor/ felony and The first offense up to six months in prison and up to a \$500 fine, or both. A second or subsequent offense is a felony; up to five years in prison and up to a fine of \$5,000, or both.
Maine	17 MRSA §3521- Detention 17-A MRSA §353, sub-§1C- Theft provision 17-A MRSA, Sub-§ 5D Penalty	May 24, 2005 Effective mid- September 2005 depending on the session's end date	Class D Misdemeanor: 1 year in prison, \$2000 fine or both.
Maryland	MD Criminal Law § 7-308. Theater Owner Immunity: MD Courts and Judicial Proceedings §5-402	April 27, 2004	First Violation: misdemeanor [imprisonment not to exceed one year or a fine not exceeding \$2500 or both] Second Violation: misdemeanor [imprisonment not to exceed three years or a fine not exceeding \$10,000 or both]
Massachusetts	Chapter 266, § 143	November 16, 2004 <i>Effective February 10, 2005</i>	First offense: fine of up to \$100,000 may be imposed, and/or maximum imprisonment not to exceed two years. Second offense: maximum fine of \$250,000 and/or maximum of five years in prison.
Michigan	MCL 750.465a MCL 777.16w (penalty classification) MCL 600.2917a (Immunity)	December 15, 2004 [Immunity statute pending on Governor's desk]	First offense: fine of up to \$10,000 and/or maximum imprisonment of one year. Second offense: felony punishable by up to two years in prison and/or a fine of up to \$20,000 Third and subsequent offenses: felony punishable by up to four years prison, and/or fine up to \$40,000.
Minnesota	Minnesota statute section 609.896 / Section 629.366 detention	June 3, 2005 Takes effect August 1, 2005	3-tiered penalty 1-st Offense misdemeanor with a Penalty of up to \$1,000 fine or 6 months in jail OR BOTH 2-nd Offense gross misdemeanor Penalty up to a fine of \$3,000 and up to 1 year in jail OR BOTH 3rd or subsequent offense it is a felony UP TO A FINE OF \$4,000 OR up to 2 years in prison OR BOTH
Mississippi		March 14, 2005	Up to 6 months jail, \$1000 fine or both.
Missouri	§ 578.500	July 13, 2005	Class A Misdemeanor with up to 1 year in jail and \$1000 fine on first offense and Class D Felony with up to 4 years in jail and \$5000 fine on second and subsequent offenses.
Nevada	Nevada Revised Statutes Chapter 205/ NRS 193.130 penalty section	October 1, 2005	2-tiered penalty 1st Offense, Misdemeanor- up to 6 months in prison or \$1,000 fine or both. Category D Felony for second or subsequent offense - 1 to 4 years prison and a possible

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			\$5,000 fine.
New Jersey	NJS .2C:21-21	September 10, 2004	First offense: fine up to \$25,000, and/or maximum imprisonment not to exceed 18 months. Second offense: maximum fine of \$50,000 and/or three to five years in prison. Third and subsequent offense: fine up to \$100,000 and/or between three and five years in prison.
New Hampshire	Chapter 70 Laws of 2005 RSA 627:8-a Detention RSA 644:19 Penalty	January 1, 2006	The first offense provides for up to one year in prison and up to a \$1,200 fine, or both. A second or subsequent offense provides for up to seven years in prison and up to a fine of \$4,000, or both
New Mexico	2006 House Bill 577	July 1, 2006	Misdemeanor with up to 1 year in jail and/or \$10,000 fine
New York	NY CLS Penal § 275.32 Theater Owner Immunity: NY CLS Gen Bus § 218	December, 2008	Class A Misdemeanor with up to 1 year in jail and \$1,000 fine on first offense and Class E Felony with up to 4 years in jail and \$5,000 fine on second and subsequent offenses.
New York City	NYC Title 10 of Administrative Code in Chapter 7 §10-701 §10-702	July 1st 2007	§10-703 First Offense: Misdemeanor with up to 6 months in jail and/or fine between 1,000 and 5,000 dollars. Second Offense: Less than one year and/or fine of 5,000–10,000 dollars.
North Carolina	Session Law 2005-301	August 22, 2005	First Offense: Misdemeanor with up to 45 days in jail/discretionary fine Second Offense: Up to 6 months in jail/discretionary fine
Ohio	ORC § 2913.07 Theater Owner Immunity: ORC § 2935.041(D) – 2935.041(G)	December 9, 2003	First offense: Misdemeanor of First Degree [prison term of not more than 180 days and/or fine of not more than \$1000] Subsequent offense: Felony of the Fifth Degree [prison term of 6-12 months and/or a fine of not more than \$2,500]
Oklahoma	21 Okl. St. § 1741	April 19, 2004	Up to a year in jail, a fine of not more than \$10,000, or both
Oregon	Chapter 459	July 7, 2005	Misdemeanor with six months in prison, \$2500 fine or both.
Pennsylvania	18 Pa.C.S. § 4116.1	1994	First offense: Misdemeanor of the first degree [imprisonment not more than 5 years and/or fine of not more than \$10,000] Subsequent offense: Felony of the third degree [imprisonment not more than 7 years; fine of not more then \$15,000]
Puerto Rico	Law Number 149 (new Penal Code of 2004) §§ 197- A and 197-B	July 19, 2006	Violation of the anti-camcording provision, 197-A, is a 3rd degree felony with potential jail time of 3 years and one day to 8 years. Violation of the true name and address provision, 197-B, is a 4th degree felony with potential jail time of 6 months

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			and one day to 3 years or a \$5000 fine or both.
Rhode Island	General Laws Title 11 Chapter 65 definitions 11-65-1/ penalty 11-65-2/ immunity 11-65-3	July 6, 2005	Misdemeanor with one year in jail/\$1000 fine or both
South Carolina	§ 16-11-911	May 23, 2005	First offense provides for up to one year in prison and a \$5,000 fine, or both. Second offense is up to two years in prison and a \$10,000 fine, or both. Third and subsequent offenses provide for up to three years in prison and a \$15,000 fine, or both.
Tennessee	TCA 39-14-153	April 5, 2004	Class A misdemeanor Imprisonment not to exceed 11 months 29 days; fine not to exceed \$2,500, or both
Texas	§ 35.935 of Business & Commerce Code	May 13, 2005	First Offense: Class A Misdemeanor with penalty of \$4000 fine, a year in jail or both. Second Offense: State Jail Felony with penalty of 180 days to 2 years in jail, \$10,000 fine or both. Third Offense: Third Degree Felony with jail from 2-10 years, fine up to \$10,000 or both.
Utah	§ 13-10b-101, Utah Code Annotated 1953	March 14, 2007	First Offense: Class A Misdemeanor-Up to one year in jail, \$2,500 fine or both. Second Offense: Third Degree Felony-up to five years in jail, \$5,000 fine or both
Virginia	Va. Code Ann. § 18.2-187.2	April 5, 2004	Class 1 misdemeanor Up to one year in jail, a \$2,500 fine, or both
West Virginia	§ 61-3-58	April 6, 2005	Three Tiered Penalty based on intent (to be amended next session) 1st Penalty: 1-10 years in prison and \$500-1000 fine if done with intent to distribute for pecuniary gain 2nd Penalty: 1- 3 years in prison and \$100-500 fine if done with intent to distribute 3rd Penalty: fine of \$100 if done without intent to distribute and not for pecuniary gain.
Wisconsin	Wis. Stat. § 943.49	1999	First offense: Class A misdemeanor [a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both] Subsequent offense: Class D felony [a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both.]