

**STATE STATUTES PROHIBITING THE OPERATION OF
A RECORDING DEVICE IN A MOVIE THEATER**

STATE	STATUTE CITATION	DATE ENACTED	PENALTY
Alabama	Public Law 2008-272 Statutes revised 90 days from enactment.	May 9, 2008	First offense: Class A Misdemeanor with up to one year in jail, \$2000 fine, or both. Subsequent offenses: Class C Felony, with up to ten years in jail, \$5000 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

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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, 2006	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

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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 HRS Section 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 fine or both.

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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	Becomes effective 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)

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Massachusetts <i>Effective February 10, 2005</i>	Chapter 266, Section 143	November 16, 2004	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 3 rd or subsequent offense it is a felony UP TO A FINE OF \$4,000 OR up

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			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 1 st 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 \$5,000 fine.

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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

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New York	NY CLS Penal § 275.32 Theater Owner Immunity: NY CLS Gen Bus § 218	1994	Violation Imprisonment not to exceed 15 days and/or fine not to exceed \$250
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]

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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	<p>First offense: Misdemeanor of the first degree [imprisonment not more than 5 years and/or fine of not more than \$10,000]</p> <p>Subsequent offense: Felony of the third degree [imprisonment not more than 7 years; fine of not more than \$15,000]</p>
Puerto Rico	Law Number 149 (new Penal Code of 2004) sections 197-A and 197-B	July 19, 2006	<p>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.</p> <p>Violation of the true name and address provision, 197-B, is a 4th degree felony with potential jail time of 6 months and one day to 3 years or a \$5000 fine or both.</p>
Rhode Island	General Laws Title 11 Chapter 65 definitions 11-65-1/ penalty 11-65-	July 6, 2005	Misdemeanor with one year in jail/\$1000 fine or both

	2/ immunity 11-65-3		
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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

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Texas	§ 35.935 of Business & Commerce Code	May 13, 2005	<p>First Offense: Class A Misdemeanor with penalty of \$4000 fine, a year in jail or both.</p> <p>Second Offense: State Jail Felony with penalty of 180 days to 2 years in jail, \$10,000 fine or both.</p> <p>Third Offense: Third Degree Felony with jail from 2-10 years, fine up to \$10,000 or both.</p>
Utah	Section 13-10b-101, Utah Code Annotated 1953	March 14, 2007	<p>First Offense: Class A Misdemeanor-Up to one year in jail, \$2,500 fine or both.</p> <p>Second Offense: Third Degree Felony-up to five years in jail, \$5,000 fine or both</p>
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
Washington	Rev. Code Wash. (ARCW) § 19.235.010	March 24, 2004	Gross misdemeanor Imprisonment of not more than one year, or by a fine of not more than \$5,000, or both

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West Virginia	§ 61-3-58	April 6, 2005	<p>Three Tiered Penalty based on intent (to be amended next session)</p> <p>1st Penalty: 1-10 years in prison and \$500-1000 fine if done with intent to distribute for pecuniary gain</p> <p>2nd Penalty: 1- 3 years in prison and \$100-500 fine if done with intent to distribute</p> <p>3rd Penalty: fine of \$100 if done without intent to distribute and not for pecuniary gain.</p>
Wisconsin	Wis. Stat. § 943.49	1999	<p>First offense: Class A misdemeanor [a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both]</p> <p>Subsequent offense: Class D felony [a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both.]</p>

TOTAL NUMBER OF STATE STATUTES ON THE BOOKS: 42 (INCLUDING DC & PUERTO RICO)

Enacted in 2004:

1. Washington – SB 6378
2. Tennessee – SB 2683/ HB 2884
3. Arizona – HB 2209
4. Kansas – HB 2835
5. Virginia – HB 1129
6. Oklahoma – SB 1234
7. Maryland – HB 307
8. Georgia – SB 439
9. Colorado – HB 1269
10. Connecticut – RB 5653
11. Florida – SB 1928/HB 1331
12. Illinois – SB 2134
13. New Jersey – AB 2513/SB 1515
14. Massachusetts – HB 4863
15. Michigan – HB 5347, HB 5336, SB 1386, SB 1387

Enacted in 2005:

1. Arkansas – HB 2442/SB 944
2. Idaho – HB 203
3. Indiana – SB 557
4. Mississippi – HB 713/SB 2238
5. West Virginia – HB 2129
6. Texas – SB 481
7. Hawaii – HB 164
8. South Carolina – SB 20/HB 3078
9. New Hampshire – SB 106
10. Maine – LD 834/LR 1917
11. Louisiana – HB 9
12. Nevada – AB 124
13. Minnesota – SF 762
14. Rhode Island SB 44/HB 5262
15. Oregon – SB 368

16. Missouri – HB 353
17. North Carolina –

Enacted in 2006

1. New Mexico – HB 577
2. Delaware – SB 321
3. Puerto Rico – P del S. 1358

Enacted in 2007

1. Utah – HB 279

Enacted in 2008

1. Alabama – HB 417