

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2835

As Amended by House Committee of the Whole

Brief*

HB 2835 creates a new crime of unlawful usage of a recording device, without the consent of the owner, in a motion picture theater, while a motion picture is being shown. The first conviction of this new crime would be a class A nonperson misdemeanor. The second or subsequent conviction would be a severity level 9 nonperson felony.

In addition, an owner or lessee of a motion picture theater or an employee of the owner or lessee who alerts law enforcement of a violation of the act will not be liable in any civil action arising out of actions taken to detain a person while awaiting the arrival of law enforcement authorities unless a plaintiff can show, by clear and convincing evidence, that the measures were manifestly unreasonable or the period of detention was unreasonably long.

Background

Those who expressed support for the original bill included representatives from the Motion Picture Association of America and B&B Theaters. A conferee from the Consumer Electronics Association opposed the bill, as drafted.

The fiscal note indicates that any increase on prison admissions would be negligible.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>