

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2690/1dn  
MGD:wlj:kjf

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Don:

The prohibition contained in this draft regarding unauthorized use of a recording device in a theater covers an individual who records a movie for his or her own use, in contrast to the piracy prohibitions, which prohibit a transfer only if it is made "for commercial advantage or private financial gain". Thus, this draft classifies a first unauthorized movie recording offense as a Class A misdemeanor (like a first unlawful transfer offense) and each subsequent offense as a Class D felony (in contrast to second and subsequent unlawful transfer offenses, which are Class C felonies). At the same time, a person who, for commercial advantage or private financial gain, traffics in unlawfully recorded movies commits a Class A misdemeanor or a Class D or C felony (depending on the number of recordings or Internet replays involved) if the violation is a first offense and a Class C felony if the violation is a second or subsequent offense. This treatment mirrors the treatment in the piracy, bootlegging and counterfeiting provisions. Are these classifications okay?

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