

FIRST REGULAR SESSION

# HOUSE BILL NO. 57

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES THRELKELD (Sponsor) AND VILLA (Co-sponsor).

Pre-filed December 3, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0082L.02I

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### AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to the criminal use of audiovisual recording devices, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 578, RSMo, is amended by adding thereto one new section enacted  
2 in lieu thereof, to be known as section 578.500, to read as follows:

**578.500. 1. Any person, while a motion picture is being exhibited, who knowingly  
2 operates an audiovisual recording function of a device in a motion picture theater without  
3 the consent of the owner or lessee of the motion picture theater shall be guilty of criminal  
4 use of real property.**

**5 2. As used in this section, the term "audiovisual recording function" means the  
6 capability of a device to record or transmit a motion picture or any part thereof by means  
7 of any technology now known or later developed.**

**8 3. As used in this section, the term "motion picture theater" means a movie theater,  
9 screening room, or other venue that is being utilized primarily for the exhibition of a  
10 motion picture at the time of the offense, but excluding the lobby, entrance, or other areas  
11 of the building where a motion picture cannot be viewed.**

**12 4. The provisions of this section shall not prevent any lawfully authorized  
13 investigative, law enforcement protective, or intelligence gathering employee or agent, of  
14 the state or federal government, from operating any audiovisual recording device in any  
15 facility where a motion picture is being exhibited, as part of lawfully authorized  
16 investigative, protective, law enforcement, or intelligence gathering activities. The owner**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 or lessee of a facility where a motion picture is being exhibited, or the authorized agent or  
18 employee of such owner or lessee, who alerts law enforcement authorities of an alleged  
19 violation of this section shall not be liable in any civil action arising out of measures taken  
20 by such owner, lessee, agent, or employee in the course of subsequently detaining a person  
21 that the owner, lessee, agent, or employee in good faith believed to have violated this  
22 section while awaiting the arrival of law enforcement authorities, unless the plaintiff can  
23 show by clear and convincing evidence that such measures were unreasonable or the  
24 period of detention was unreasonably long.

25         5. Any person who has pled guilty to or been found guilty of violating the  
26 provisions of this section shall be guilty of a class A misdemeanor, unless the person has  
27 previously pled guilty or been found guilty of violating the provisions of this section, in  
28 which case it is a class D felony.