

FIRST REGULAR SESSION

HOUSE BILL NO. 126

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COOPER (158) (Sponsor) AND KRATKY (Co-sponsor).

Pre-filed December 21, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0204L.011

AN ACT

To repeal section 570.255, RSMo, and to enact in lieu thereof one new section relating to punishment, with penalty provisions.

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

Section A. Section 570.255, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 570.255, to read as follows:

570.255. 1. Any person guilty of a violation of sections 570.225 to 570.255 is punishable as follows:

(1) For the first offense of a violation of sections 570.225 to 570.241 which is not a felony under subdivision (2) of this subsection, such person is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five thousand dollars, or by confinement in the county jail not exceeding six months, or by both such fine and confinement.

(2) For any offense of a violation of section 570.240 or 570.241 involving one hundred or more articles upon which motion pictures or audiovisual works are recorded, or any other violation of section 570.225 to 570.241 involving one [thousand] **hundred** or more articles, such person is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding fifty thousand dollars, or by imprisonment by the department of corrections for not more than five years, or by both such fine and imprisonment.

(3) For the second and subsequent violations of sections 570.225 to 570.255, such person is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding one hundred thousand dollars, or by imprisonment by the department of corrections for not less than two years nor more than five years, or by both such fine and imprisonment.

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 2. If a person is convicted of any violation of sections 570.225 to 570.255, the court in
18 its judgment of conviction may order the forfeiture and destruction or other disposition of all
19 unlawful recordings and all implements, devices and equipment used or intended to be used in
20 the manufacture of the unlawful recordings. The court may enter an order preserving such
21 recordings and all implements, devices and equipment as evidence for use in other cases or
22 pending in the final determination of an appeal. The provisions of this subsection shall not be
23 construed to allow an order to destroy any such implements, devices, or equipment used or
24 intended to be used in such manufacture subject to any valid lien or rights under any security
25 agreement or title retention contract when the holder thereof is an innocent party.

26 3. The penalties provided under sections 570.225 to 570.255 are not exclusive and are
27 in addition to any other penalties provided by law.