



2/3/2004

09300SB2134sam001

LRB093 14113 RLC 41553 a

1 AMENDMENT TO SENATE BILL 2134

2 AMENDMENT NO. _____. Amend Senate Bill 2134 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding
5 Section 21-10 as follows:

6 (720 ILCS 5/21-10 new)

7 Sec. 21-10. Criminal use of a motion picture exhibition
8 facility.

9 (a) Any person, where a motion picture is being exhibited,
10 who knowingly operates an audiovisual recording function of a
11 device without the consent of the owner or lessee of that
12 exhibition facility and of the licensor of the motion picture
13 being exhibited is guilty of criminal use of a motion picture
14 exhibition facility.

15 (b) Sentence. Criminal use of a motion picture exhibition
16 facility is a Class 4 felony.

17 (c) The owner or lessee of a facility where a motion
18 picture is being exhibited, the authorized agent or employee of
19 that owner or lessee, or the licensor of the motion picture
20 being exhibited or his or her agent or employee, who alerts law
21 enforcement authorities of an alleged violation of this Section
22 is not liable in any civil action arising out of measures taken
23 by that owner, lessee, licensor, agent, or employee in the
24 course of subsequently detaining a person that the owner,

1 lessee, licensor, agent, or employee, in good faith believed to
2 have violated this Section while awaiting the arrival of law
3 enforcement authorities, unless the plaintiff in such an action
4 shows by clear and convincing evidence that such measures were
5 manifestly unreasonable or the period of detention was
6 unreasonably long.

7 (d) This Section does not prevent any lawfully authorized
8 investigative, law enforcement, protective, or intelligence
9 gathering employee or agent of the State or federal government
10 from operating any audiovisual recording device in any facility
11 where a motion picture is being exhibited as part of lawfully
12 authorized investigative, protective, law enforcement, or
13 intelligence gathering activities.

14 (e) This Section does not apply to a person who operates an
15 audiovisual recording function of a device in a retail
16 establishment solely to demonstrate the use of that device for
17 sales purposes.

18 (f) Nothing in this Section prevents the prosecution for
19 conduct that constitutes a violation of this Section under any
20 other provision of law providing for a greater penalty.

21 (g) In this Section, "audiovisual recording function"
22 means the capability of a device to record or transmit a motion
23 picture or any part of a motion picture by means of any
24 technology now known or later developed and "facility" does not
25 include a personal residence.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."