

(S.B. 1358)

(No. 121)

(Approved July 19, 2006)

AN ACT

To amend Section 14 and add a Section 197-A and 197-B to Act No. 149 of June 18, 2004, as amended, known as the “Penal Code of the Commonwealth of Puerto Rico,” in order to typify as a crime the illegal operation of any recording device at movie theaters, the unauthorized reproduction and sale of audiovisual works and the unauthorized sale and rental of audiovisual works and to add several definitions.

STATEMENT OF MOTIVES

During the past few years the piracy of motion pictures has become a serious problem for motion picture companies, the motion picture industry in general and the Government of Puerto Rico. According to data of the Motion Picture Association of America (MPAA), the motion picture industry fails to receive revenues of over three billion dollars due to the worldwide piracy of motion pictures. At present it is not unusual to find the latest motion picture release before it goes on the market at a price much lower than the price of a movie ticket or the sales price of a video. Even though there is federal legislation that prohibits the unauthorized reproduction and sale of motion pictures, it is necessary to complement said legislation with legislation that would cover those areas not considered in the federal legislation that are typical to the Puerto Rican marketplace.

The intention of this measure is to allow the Legislature to achieve the above mentioned purposes which seek the prohibition of the illegal operation of any recording device, the reproduction and labeling without the authorization or consent of the owner, and the unauthorized sale and rental of audiovisual works.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 14 of Act No. 149 of June 18, 2004, as amended, is hereby amended in order to add new subsections (c), (i) (o), (y), (z) and (ff). The present and following subsections are renamed so as to be organized in alphabetical order to read as follows:

“Section 14.-Definitions.

Except as otherwise construed by the context, the following words and phrases contained in this Code shall have the meaning expressed below:

(a) ...

(b) ...

(c) ‘Audiovisual recording device’ means any equipment capable of recording or screening a motion picture or part thereof through present or future technological media.

(d) ...

(e) ...

(f) ...

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...

(m) ...

(n) ...

(o) 'Manufacturer' means the entity that authorizes the duplication of the audiovisual work, not including the manufacturer of the case or packaging where the audiovisual work is to be kept.

(p) ...

(q) ...

(r) ...

(s) ...

(t) ...

(u) ...

(v) ...

(w) ...

(x) ...

(y) 'Legal name and address' means the true name and address of the manufacturer that has authorized duplication of said audiovisual work.

(z) 'Audiovisual work' means a tangible medium in which sounds and images are recorded or stored, including original video tapes, digital video disks, films or any other existing or to be developed in future medium and in which the sounds and images are recorded or may be recorded or stored, or a copy or total or partial reproduction duplicating the original.

(aa) ...

(bb) ...

(cc) ...

(dd) ...

(ee) ...

(ff) ‘Movie theater/movie house means a movie theater, projection room or any other place mainly used to show a motion picture.

(gg)”

Section 2.-A Section 197-A is hereby added to Act No. 149 of June 18, 2004, as amended, to read as follows:

“Section 197-A.-Illegal operation of any recording device.

Any person who, in order to record a movie which is at that time being shown, operates an audiovisual recording device in the motion picture theater without the corresponding legal authorization shall incur a third degree felony.

Section 3.-A Section 197-B is hereby added to Act No. 149 of June 18, 2004, as amended, to read as follows:

“Section 197-B.-Reproduction and sale without the legal name and address of the manufacturer.

Any person who knowingly, maliciously or fraudulently promotes, offers for sale, sells, rents, transports or induces the sale, resells or has in his/her possession with the intent to distribute, an audiovisual work to obtain personal or commercial benefits in its cover, label or packaging that fails clearly and prominently to display the legal name and address of the manufacturer, shall incur a fourth degree felony.

Section 4.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 121 (S.B. 1358) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 14 and add a Section 197-A and 197-B to Act No. 149 of June 18, 2004, as amended, known as the “Penal Code of the Commonwealth of Puerto Rico,” in order to typify as a crime the illegal operation of any recording device at movie theaters, the unauthorized reproduction and sale of audiovisual works and the unauthorized sale and rental of audiovisual works and to add several definitions,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13th of September of 2006.

Francisco J. Domenech
Director