

Act No. 450
Public Acts of 2004
Approved by the Governor
December 21, 2004
Filed with the Secretary of State
December 28, 2004
EFFECTIVE DATE: March 28, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Sanborn and Bishop

ENROLLED SENATE BILL No. 1387

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 2953a.

The People of the State of Michigan enact:

Sec. 2953a. (1) A person who commits an act that constitutes a motion picture recording violation is liable to a person injured by the violation for 1 or more of the following:

(a) Actual damages.

(b) Exemplary damages of not more than \$1,000.00.

(c) If the person who committed the violation was acting for direct or indirect commercial advantage or financial gain, exemplary damages of not more than \$50,000.00.

(d) Reasonable attorney fees and costs.

(2) If a person who commits an act that constitutes a motion picture recording violation is an unemancipated minor who lives with his or her parent or parents, the parent or parents are also liable to a person injured by the violation for damages allowable under this section.

(3) A person injured by a motion picture recording violation may recover damages described in subsection (1) only if a formal incident report that contains factual allegations that the defendant committed a motion picture recording violation is filed with a local law enforcement agency with jurisdiction over the location where the violation took place. However, recovery under this section is not dependent on the outcome of a criminal prosecution.

(4) A person injured by a motion picture recording violation may bring an action to enjoin a person from the unauthorized recording, receipt, or transmission of a recording or transmission of a motion picture or a part of a motion picture obtained or made by a motion picture recording violation or from committing a motion picture recording violation. A person may bring an action under this subsection regardless of whether the person has suffered or will suffer actual damages.

(5) An action under this section is in addition to any other criminal or civil penalties or remedies provided by law.

(6) As used in this section:

(a) "Motion picture recording violation" means a violation of section 465a of the Michigan penal code, 1931 PA 328, MCL 750.465a.

(b) "A person injured by a motion picture recording violation" includes, but is not limited to, the owner or lessee of the theatrical facility where the motion picture that is the subject of the violation was being shown.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5347 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor