

**Ala. Code 1975, § 13A-8-90(d)**  
**Unlawful Operation of Recording Device in Motion Picture Theater**

The defendant is charged with unlawful operation of a recording device in a motion picture theater.

A person commits the crime of unlawful operation of a recording device in a motion picture theater if he/she knowingly operates the audiovisual recording function of any device in a motion picture theater for the purpose of recording a motion picture with the intent to violate the property rights of the owner of the motion picture.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant knowingly operated the audiovisual recording function of a device in a motion picture theater, **[insert the name]**;
- (2) The Defendant did so for the purpose of recording a motion picture with the intent to violate the property rights of the owner of the motion picture; **(AND)**
- (3) The Defendant did so with intent to commercially distribute the recording.

*Audiovisual Recording Function* is the capability of a device to record or transmit a motion picture or any part thereof. [13A-8-90(a)(2)]

A *Motion Picture Theater* is a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense. [13A-8-90(a)(3)]

To *Commercially Distribute* is to sell, lease, rent, or distribute for pecuniary gain. [13A-8-90(a)(4)]

To record or transmit one or more audiovisual images from the on-screen exhibition of a motion picture, or to transmit the audio sounds accompanying the motion picture, is presumptive proof of intent to violate the property rights of the owner of the motion picture. [13A-8-90(b)]

*Audiovisual Image* is a series of related images which are intended to impart an impression of motion when shown in succession by means of a machine or device. [13A-8-90(a)(1)]

A lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of local, state, or federal government may operate an audiovisual recording device in a motion picture theater as part of a lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities. [13A-8-90(f)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of unlawful operation of a recording device in a motion picture theater, then you shall find the defendant guilty of unlawful operation of a recording device in a motion picture theater.

If you find from the evidence that the State has failed to prove beyond a reasonable doubt any one or more of the elements of unlawful operation of a recording device in a motion picture theater, then you shall find the defendant not guilty of unlawful operation of a recording device in a motion picture theater.

[Approved October 18, 2019].