

February 20, 2003

H 42. CRIMINAL UNAUTHORIZED RECORDINGS. MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS. Adds a new definition for the term “fixed” to GS 14-432, meaning the work has been recorded in a tangible medium. Establishes a criminal offense under GS 14-435 when a person knowingly, and for commercial advantage or private financial gain, advertises, sells, or rents certain recorded items without clearly disclosing the manufacturer and the performer. Modifies the penalties in GS 14-437 to provide that violations constitute a Class I misdemeanor or, in some circumstances, a Class I felony. Makes technical changes throughout Art. 58 of Ch. 14. Applicable to offenses committed on or after Dec. 1, 2003.

Intro. by Goodwin, Hall, Moore, Stiller.

Ref. to Judiciary II	GS 14
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March 17, 2003

H 42. CRIMINAL UNAUTHORIZED RECORDINGS. Intro. 2/20/03. House committee substitute makes the following changes to 1st edition. Amends GS 14-437(a) to provide that “knowing” violation of Act constitutes a Class I misdemeanor and that offense is a Class I felony with a maximum fine of \$150,000 where it is a third (was, second) conviction and if offense involves at least 26 unauthorized articles during any 180 day period (prior version did not set minimum number of articles).

May 14, 2003

H 42. CRIMINAL UNAUTHORIZED RECORDINGS. Intro. 2/20/03. Senate committee substitute makes the following changes to 2nd edition. Amends GS 14-433(c) to provide that section does not apply to person engaged in webcasting; also provides that Internet service provider who is solely providing conduit for access to Internet shall not be considered to be using or causing to be used recordings that may be transferred over Internet by third parties in violation of Article. Amends GS 14-435(a) to require that offense be committed “knowingly.” Deletes “knowingly” as mental state in proposed amendment to GS 14-437(a).

June 9, 2003

SL 2003-159 (H 42). CRIMINAL UNAUTHORIZED RECORDINGS. AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS. Summarized in *Daily Bulletin* 2/20/03, 3/17/03, and 5/14/03. Enacted June 5, 2003. Effective December 1, 2003.