

CHAPTER 221—S.F.No. 1036

An act relating to commerce; trade practices; regulating transfers and sales of recordings; prescribing penalties; amending Minnesota Statutes 1992, sections 325E.17; 325E.18; 325E.19; and 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 1992, section 325E.20.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325E.169] DEFINITIONS.**

Subdivision 1. SCOPE. For the purpose of sections 325E.169 to 325E.201, the terms defined in this section have the meanings given them.

Subd. 2. PERSON. "Person" means an individual, firm, partnership, limited liability company, corporation, or association.

Subd. 3. OWNER. "Owner" means the person who owns the sounds or images fixed in a master recording upon which sounds or images are recorded and from which the transferred recorded sounds or images are directly or indirectly derived.

Subd. 4. RECORDING. "Recording" means the tangible medium on which sounds or images are recorded or otherwise stored and includes a phonograph record, disc, tape, audio or video cassette, wire, film, or other medium now known or later developed on which sounds or images may be recorded or stored.

Sec. 2. Minnesota Statutes 1992, section 325E.17, is amended to read:

325E.17 UNLAWFUL TRANSFER OF SOUNDS; TRANSFERS OR SALES OF RECORDINGS.

Unless exempt under section 325E.19, it is unlawful for any person; ~~firm; partnership; corporation; or association~~ knowingly to ~~(a):~~

(1) ~~for commercial purposes to~~ transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded onto any other phonograph record, disc, wire, tape, film, or article or images from one recording to another recording; or

(b) (2) to sell, distribute, circulate, offer for sale, distribution or circulation, possess for the purpose of sale, distribution or circulation, or cause to be sold, distributed or circulated, offered for sale, distribution or circulation, or possessed for sale, distribution or circulation, any article, or device on which sounds have been transferred, recording without the consent of the person who owns owner of the master phonograph record, master disc, master tape, or other device or article from which the sounds are derived recording.

Sec. 3. Minnesota Statutes 1992, section 325E.18, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

325E.18 IDENTITY OF TRANSFEROR.

It is unlawful for any person, ~~firm, partnership, corporation or association~~ for commercial purposes to sell, distribute, circulate, offer for sale, distribution or circulation, or possess for the purpose of sale, distribution or circulation, any ~~phonograph record, disc, wire, tape, film or other article on which sounds have been transferred recording~~ unless such phonograph record, disc, wire, tape, film or other article the recording bears the actual name and address of the transferor of the sounds or images in a prominent place on its outside face, label, or package.

Sec. 4. Minnesota Statutes 1992, section 325E.19, is amended to read:

325E.19 EXEMPTIONS.

Sections ~~325E.17~~ 325E.169 to ~~325E.20~~ 325E.201 do not apply to any person who transfers or causes to be transferred any ~~such sounds recordings~~ (a) intended for or in connection with radio or television broadcast transmission or related uses, (b) for archival purposes, (c) for library purposes, (d) for educational purposes, or (e) solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

Sec. 5. [325E.201] VIOLATIONS; PUNISHMENT.

A violation of section 325E.17 or 325E.18 is a felony and is punishable upon conviction by:

(1) a fine of not more than \$100,000, or imprisonment for not more than two years, or both, if the violation is a first offense involving more than 100 but not more than 1,000 sound recordings or more than seven but not more than 65 audio-visual recordings;

(2) a fine of not more than \$250,000, or imprisonment for not more than five years, or both, if the violation is a second or subsequent offense, or involves more than 1,000 sound recordings or more than 65 audio-visual recordings; or

(3) a fine of not more than \$25,000, or imprisonment for not more than a year and a day, or both, for any other violation.

Sec. 6. Minnesota Statutes 1992, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purpose of sections 609.531 to 609.5317, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

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(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 7. REPEALER.

Minnesota Statutes 1992, section 325E.20, is repealed.

Sec. 8. EFFECTIVE DATE.

Sections 1 to 7 are effective October 1, 1993, and apply to crimes committed on or after that date.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 11:08 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.