WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee SUBSTITUTE for
SENATE BILL NO. 220

(By Mr. Collier & Rep. Lewis, original sponsors)

PASSED  March 12, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE
THIS DATE 3/25/76
AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifty, relating to crimes against property; prohibiting the unauthorized transferral of recorded sounds; prohibiting the sale or possession with intent to sell unauthorized transferred recorded devices; providing criminal penalties; granting civil cause of action with compensatory damages; and providing definition.

Be it enacted by the Legislature of West Virginia:

That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifty, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-50. Unauthorized transferral of recorded sounds; sale and possession; penalties; civil action; definition.

1 No person shall knowingly and willfully transfer by electronic or mechanical means or cause to be transferred by electronic or mechanical means with intent to sell for profit the recorded sounds contained on any phonograph record, disc, tape, film or other device without the permission of the owner of such recorded sounds or his authorized representative, or to knowingly, or with
reasonable grounds to know, sell or possess with intent to
sell any phonograph record, disc, tape, film or other device
containing such unauthorized transferred recorded
sounds.

Any unauthorized recorded sounds produced in viola-
tion of this section, and any equipment used for such
purpose, shall be subject to confiscation and destruction
by the appropriate law-enforcement agency.

Any phonograph record, disc, tape, film or other device
offered for sale or resale shall clearly and conspicuously
disclose the actual name and address of the manufacturer
thereof, and the name of the actual performer or group.

Any person violating any provision of this section shall
be guilty of a misdemeanor, and, upon conviction thereof,
shall be fined not more than one thousand dollars.

Any owner of such recorded sounds and any person
lawfully transferring such sounds by agreement with
such owner shall have a cause of action for the unau-
thorized transferral of such sounds and shall be entitled
to treble damages resulting therefrom.

For the purpose of this section, the term "owner" means
the person vested with the rights to and ownership of the
original fixation of sounds embodied in the master phono-
graph record, master disc, master tape, master film or
other device used for transferring sounds on phonograph
records, discs, tapes, films, or other similar articles upon
which sound is recorded, and from which the transferred
recorded sounds are directly derived.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 24th day of March, 1976

Governor
PRESENTED TO THE GOVERNOR

Date 3/18/76
Time 2:25 p.m.