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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

Committee Substitute for

SENATE BILL NO. 220

(By Mr. *Galperin* & *Mr. Lewis original sponsor*)

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

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 220

(MR. GALPERIN and MR. KUSIC, *original sponsors*)

[Passed March 12, 1976; in effect ninety days from passage.]

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
2 electronic or mechanical means or cause to be transferred
3 by electronic or mechanical means with intent to sell for
4 profit the recorded sounds contained on any phonograph
5 record, disc, tape, film or other device without the per-
6 mission of the owner of such recorded sounds or his
7 authorized representative, or to knowingly, or with

8 reasonable grounds to know, sell or possess with intent to
9 sell any phonograph record, disc, tape, film or other device
10 containing such unauthorized transferred recorded
11 sounds.

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

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

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

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

28 For the purpose of this section, the term "owner" means
29 the person vested with the rights to and ownership of the
30 original fixation of sounds embodied in the master phono-
31 graph record, master disc, master tape, master film or
32 other device used for transferring sounds on phonograph
33 records, discs, tapes, films, or other similar articles upon
34 which sound is recorded, and from which the transferred
35 recorded sounds are directly derived.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Frederic C. Christman
Chairman House Committee

Originated in the Senate.

In effect ninety days from pas^{age}.

OKed

J. Sullivan
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. T. Battler
President of the Senate

Lewis N. McMane
Speaker House of Delegates

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

Anna Prose
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/76

Time 2:25 p.m.