

House Bill 917

By: Representatives Dollar of the 45<sup>th</sup>, Frye of the 118<sup>th</sup>, Rakestraw of the 19<sup>th</sup>, Fleming of the 121<sup>st</sup>, Wallace of the 119<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-8-60 of the Official Code of Georgia Annotated, relating to  
2 reproduction of recorded material, transfer, sale, distribution, circulation, civil forfeiture, and  
3 restitution, so as to update terminology and change provisions relating to restitution; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 16-8-60 of the Official Code of Georgia Annotated, relating to reproduction  
8 of recorded material, transfer, sale, distribution, circulation, civil forfeiture, and restitution,  
9 is amended by revising paragraph (1) of subsections (a) and (f) and subsections (b) and (g),  
10 as follows:

11 "(1) Transfer or cause to be transferred any sounds or visual images recorded on a  
12 phonograph record, disc, wire, tape, videotape, film, memory card, flash drive, hard  
13 drive, data storage device, or other article on which sounds or visual images are recorded  
14 onto any other phonograph record, disc, wire, tape, videotape, film, memory card, flash  
15 drive, hard drive, data storage device, or article without the consent of the person who  
16 owns the master phonograph record, master disc, master tape, master videotape, master  
17 film, or other device or article from which the sounds or visual images are derived; or"

18 "(b) It is unlawful for any person, firm, partnership, corporation, or association to sell;  
19 distribute; circulate; offer for sale, distribution, or circulation; or possess for the purposes  
20 of sale, distribution, or circulation any phonograph record, disc, wire, tape, videotape, film,  
21 memory card, flash drive, hard drive, data storage device, or other article on which sounds  
22 or visual images have been transferred unless such phonograph record, disc, wire, tape,  
23 videotape, film, memory card, flash drive, hard drive, data storage device, or other article  
24 bears the actual name and address of the transferor of the sounds or visual images in a  
25 prominent place on its outside face or package."

26 "(f)(1) Any phonograph record, disc, wire, tape, videotape, film, memory card, flash  
27 drive, hard drive, data storage device, or other article onto which sounds or visual images  
28 have been transferred in violation of this Code section are declared to be contraband and  
29 no person shall have a property right in them; provided, however, that notwithstanding  
30 paragraph (2) of subsection (a) of Code Section 9-16-17, no property of any owner shall  
31 be forfeited under this paragraph, to the extent of the interest of such owner, by reason  
32 of an act or omission established by such owner to have been committed or omitted  
33 without knowledge or consent of such owner."

34 "(g) For purposes of imposing restitution pursuant to Chapter 14 of Title 17 when a  
35 person is convicted pursuant to this Code section, the court shall consider damages to any  
36 owner or lawful producer of a master phonograph record, master disc, master tape, master  
37 videotape, master film, or other device or article from which sounds or visual images are  
38 derived. Restitution shall be based upon the aggregate wholesale value of lawfully  
39 manufactured and authorized recorded devices corresponding to the nonconforming  
40 recorded devices involved in the violation of this Code section, or the commercial  
41 equivalent thereof, and shall also include reasonable investigative costs related to the  
42 detection of the violation of this Code section."

43 **SECTION 2.**

44 All laws and parts of laws in conflict with this Act are repealed.