

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 76
TAPE PIRACY ACT

18-7601. SHORT TITLE. This act shall be known as the "Idaho Tape Piracy Act of 1976."

[18-7601, added 1976, ch. 112, sec. 1, p. 440.]

18-7602. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Person" means any individual, firm, partnership, corporation or association of individuals.

(2) "Owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film, or other device used for reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which transferred recorded sounds are directly derived.

[18-7602, added 1976, ch. 112, sec. 1, p. 440.]

18-7603. UNLAWFUL TRANSFER, SALE, DISTRIBUTION, ADVERTISEMENT. It shall be unlawful and punishable:

(1) For any person to knowingly, and without the consent of the owner, transfer or cause to be transferred or recorded any sounds previously recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded with the intent to sell such articles, or cause them to be sold for profit or used to promote the sale of any product.

(2) For any person to knowingly, or with reasonable grounds to know, advertise, or offer for sale or resale, or sell or resell, distribute or possess for such purposes, any article that has been produced in violation of the provisions of subsection (1) of this section.

(3) For any person to advertise, or offer for sale or resale, or sell or resell, or possess for such purposes, any phonograph record, disc, wire, tape, film or other article on which sounds are recorded, unless the outside cover, box, jacket or container clearly and conspicuously discloses the actual name and address of the manufacturer thereof, and the name of the actual performer or group.

[18-7603, added 1976, ch. 112, sec. 1, p. 440.]

18-7604. PENALTIES. (1) Any person who violates subsection (1) of section [18-7603](#), Idaho Code, is guilty of a felony and upon conviction may be fined not more than ten thousand dollars (\$10,000), or imprisoned for not more than four (4) years, or both such fine and imprisonment. Each recording of the original fixation of sounds without consent of the owner thereof shall constitute a separate offense.

(2) Any person who violates subsection (2) or (3) of section [18-7603](#), Idaho Code, is guilty of a misdemeanor and upon conviction may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six (6) months, or both such fine and imprisonment.

[18-7604, added 1976, ch. 112, sec. 1, p. 441.]

18-7605. CONFISCATION OF EQUIPMENT. Any article produced in violation of section [18-7603](#), Idaho Code, and any equipment used for such purpose, shall be subject to confiscation and destruction by the appropriate law enforcement agency.

[18-7605, added 1976, ch. 112, sec. 1, p. 441.]

18-7606. EXCEPTIONS. The provisions of this act shall not apply to any broadcaster, who, in connection with or as part of a radio, television, or cable broadcast transmission, or for the purpose of archival preservation, transfers any such sounds recorded on a sound recording.

[18-7606, added 1976, ch. 112, sec. 1, p. 441.]

18-7607. ACT NOT AN EXCLUSIVE REMEDY. This act shall not be deemed an exclusive remedy for persons affected or injured by acts herein proscribed.

[18-7607, added 1976, ch. 112, sec. 1, p. 441.]

18-7608. SEVERABILITY. If any provisions of this act, or the application thereof to any person or circumstances, is held invalid as unconstitutional or ineffective for any reason, such invalidity shall not affect other provisions or applications of the act, and to this end the provisions of this [act] are severable.

[18-7608, added 1976, ch. 112, sec. 1, p. 442.]