

WILLIAM DONALD SCHAEFER, Governor

part of or in connection with a radio or television transmission or for archival preservation;

(2) Any person transferring sounds OR IMAGES in the home for his personal use without any compensation or other consideration being derived by the person, or any other person, from the transfer.

(d) (1) ~~EACH AND EVERY VIOLATION OF THIS SECTION INVOLVING AT LEAST 1,000 UNLAWFUL SOUND RECORDINGS OR AT LEAST 65 UNLAWFUL AUDIOVISUAL RECORDINGS IN ANY 100 DAY PERIOD IS PUNISHABLE BY A FINE OF \$250,000, OR BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BY BOTH FINE AND IMPRISONMENT.~~

(2) ~~EACH AND EVERY VIOLATION OF THIS SECTION INVOLVING MORE THAN 100 BUT LESS THAN 1,000 UNLAWFUL SOUND RECORDINGS OR MORE THAN 7 BUT LESS THAN 65 UNLAWFUL AUDIOVISUAL RECORDINGS IN ANY 100 DAY PERIOD IS PUNISHABLE BY A FINE OF \$250,000, OR BY IMPRISONMENT FOR NOT MORE THAN 3 YEARS, OR BY BOTH FINE AND IMPRISONMENT.~~

(3) Each and every OTHER individual violation of this section is punishable, upon conviction, by a fine of not more than ~~-\$2,500-~~ \$25,000 for the first offense and not more than ~~-\$10,000-~~ \$250,000 for a subsequent offense, or by imprisonment for not more than 1 year for a first offense, or more than 3 years for a subsequent offense, or by both fine and imprisonment.

(e) (1) Any article produced in violation of this section and any equipment, or components used in the production thereof, shall be subject to forfeiture and destruction by the appropriate law enforcement agency.

(2) ~~IF A PERSON IS CONVICTED OF ANY VIOLATION UNDER THIS SECTION, THE COURT IN ITS JUDGMENT OF CONVICTION SHALL ORDER THE FORFEITURE AND DESTRUCTION OR OTHER DISPOSITION OF ALL INFRINGING ARTICLES AND OF ANY EQUIPMENT OR COMPONENTS USED OR INTENDED TO BE USED IN THE PRODUCTION OF THE ARTICLES.~~

(F) THIS SECTION SHALL NEITHER ENLARGE NOR DIMINISH THE RIGHTS OF PARTIES IN PRIVATE LITIGATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

May 25, 1989