

BILL ANALYSIS

S.B. 1343
By: Hughes
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that music piracy is a devastating economic crime and that many actors now make use of digital media to create a new breed of fraudulent music product. S.B. 1343 seeks to address this issue by providing deterrents against the digital distribution of pirated music.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1343 amends the Business & Commerce Code to remove as conduct that constitutes an offense relating to the improper labeling of a recording, the failure to clearly and conspicuously disclose the name of the performer or group on the outside cover, box, or jacket of the recording. The bill, for purposes of the punishment for an offense relating to the improper labeling of a recording, replaces the specification that the conduct constituting such an offense involve an unauthorized recording with the specification that such conduct involve improperly labeled recordings and clarifies that the punishment for the offense is for an offense involving a certain number of improperly labeled recordings during a specified period or the commercial equivalent of that number of improperly labeled recordings during that specified period.

S.B. 1343 amends the Code of Criminal Procedure to require a court to order a person convicted of an offense of improper labeling to make restitution to an owner or lawful producer of a master recording that has suffered financial loss as a result of the offense or to a trade association that represents that owner or lawful producer and sets out provisions regarding the amount of restitution to be ordered.

EFFECTIVE DATE

September 1, 2017.