

## **BILL ANALYSIS**

Senate Research Center  
83R16473 DDT-F

H.B. 1043  
By: Lewis et al. (Duncan)  
Jurisprudence  
5/1/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Texas broadcasters are not expressly exempted from existing law prohibiting the unauthorized duplication of pre-1972 sound recordings.

H.B. 1043 seeks to clarify the 40-year-old state law and will expressly exempt Texas broadcasters from existing law prohibiting bootlegging of pre-1972 sound recordings in order to clarify and conform Texas laws with similar laws in 47 other states. The proposed revision will clarify that broadcasters' public performance of pre-1972 sound recordings is not an activity that runs counter to state anti-piracy law protecting such recordings. Congress has passed legislation for recordings made after 1972; however, states are permitted to continue protection for pre-1972 sound recordings until 2067, at which time all state protection will be preempted by federal law and pre-1972 sound recordings will enter the public domain. In adopting laws to protect against piracy of pre-1972 sound recordings, 47 states included express exemptions for activities such as broadcasting.

H.B. 1043 amends current law relating to the offense of the unauthorized duplication of certain recordings.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 641.051, Business & Commerce Code, by adding Subsection (e) to provide that this section (Unauthorized Duplication of Certain Recordings) does not apply to a person engaged in radio or television broadcasting who transfers, or causes to be transferred, a recording intended for or in connection with a radio or television broadcast or for archival purposes.

SECTION 2. Makes application of 641.051, Business & Commerce Code, as amended by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2013.