

2A:111-52 to 55

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:111-52 to 2A:111-55

Laws of 1975 Chapter 269

Bill No. A1916

Sponsor(s) LeFante & Others

Date Introduced July 8, 1974

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes ~~No~~ Amendments during passage denoted Asterisks

Date of passage: Assembly January 23, 1975

Senate April 21, 1975

Date of approval January 8, 1976

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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10/4/76  
JUN 1977

ASSEMBLY, No. 1916

STATE OF NEW JERSEY

INTRODUCED JULY 8, 1974

By Assemblymen LEFANTE, KEAN, McMANIMON, Assemblywoman  
BURGIO, Assemblymen FORAN, RYS and HYNES  
Referred to Committee on Judiciary

AN ACT concerning the transfer of sound recordings in certain  
instances and providing penalties for violations.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Sound recording" means any phonograph record, disc, tape,  
3 film, wire, cartridge, cassette, player piano roll or similar material  
4 object from which sounds can be reproduced either directly or with  
5 the aid of a machine.

6 b. "Owner" means the person who owns the master sound  
7 recording on which the original sounds were fixed and from which  
8 transferred recorded sounds are directly or indirectly derived.

1 2. Any person who, without the consent of the owner, and with  
2 intent to sell, cause to be sold for profit or used to promote the  
3 sale of any product, knowingly transfers or causes to be transferred  
4 any sounds recorded on a sound recording, shall be guilty of a high  
5 misdemeanor.

1 3. Any person who knows or has reasonable grounds to know that  
2 a sound recording has been produced in violation of section 2 of  
3 this act, and who advertises, sells, resells, or offers for sale or  
4 resale any such sound recording, shall be guilty of a misdemeanor.

1 4. The provisions of this act shall not apply to:

2 a. Any broadcaster who, in connection with or as part of a radio  
3 or television broadcast transmission, or for the purposes of archival  
4 preservation, transfers any sounds recorded on a sound recording;

5 b. Any person who, in his own home, for his own personal use,  
6 and without deriving any profit, transfers any sounds recorded on  
7 a sound recording.

1 5. This act shall take effect immediately.

A1916 (1974)

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## STATEMENT

This bill is intended to prevent the unauthorized duplication and sale of sound recordings, either tape recordings or discs. Pirates of recordings divert some \$200 million a year from legitimate sources—retailers, wholesalers, musicians, arrangers, artists, the musicians union and recording companies. Nearly one in three tape recordings sold in the United States come from pirate sources.

New Jersey has been the scene for much pirate activity. The pirates are parasites who rob legitimate retailers, wholesalers, producers, artists, musicians and the unions of the fruits of their honest labors. Because piracy is simple and lucrative, it attracts the shady operator and the fast-buck artist.

Record piracy grew out of modern technology, the advent of the tape recorder and the ease with which recordings can be duplicated. When the United States copyright law was enacted in 1909, this was not envisioned.

Federal law was amended in late 1971 to protect recordings. United States copyright law now protects all sound recordings produced after February 15, 1972. State laws are necessary to protect other recordings. Twenty-six states have passed such laws so far, including our immediate neighbors, New York, Pennsylvania and Connecticut.

The courts have also held that piracy is a form of unfair competition and illegal under civil laws. The 9th and 10th United States Circuit Courts of Appeals have ruled that pirates cannot rely on the compulsory licensing provision of United States copyright law as justification for piracy.

This bill would make manufacturing of pirate tapes a high misdemeanor in New Jersey; knowingly retailing such tapes would be a misdemeanor. Duplication by broadcasters or by individuals for home use would not be affected.

[OFFICIAL COPY REPRINT]  
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5 the aid of a machine.

6 b. "Owner" means the person who owns the master sound  
7 recording on which the original sounds were fixed and from which  
8 transferred recorded sounds are directly or indirectly derived.

1 2. Any person who, without the consent of the owner, \***[and with**  
2 intent to sell, cause to be sold for profit or used to promote the  
3 sale of any product,]**\*** knowingly transfers or causes to be trans-  
4 ferred any sounds recorded on a sound recording *\*with intent to*  
5 *sell or cause to be sold such article on which such sounds are so*  
6 *transferred or to use such article to promote the sale of any*  
7 *product\**, shall be guilty of a **\*[high]\*** misdemeanor.

1 3. Any person who knows or has reasonable grounds to know that  
2 a sound recording has been produced in violation of section 2 of  
3 this act, and who advertises, sells, resells, or offers for sale or  
4 resale any such sound recording, shall be guilty of a misdemeanor.

1 4. The provisions of this act shall not apply to:

2 a. Any broadcaster who, in connection with or as part of a radio  
3 or television broadcast transmission, or for the purposes of archival

**is not enacted and is intended to be omitted in the law.**  
**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill**

- 4 preservation, transfers any sounds recorded on a sound recording ;  
5 b. Any person who, in his own home, for his own personal use,  
6 and without deriving any profit, transfers any sounds recorded on  
7 a sound recording.  
1 5. This act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1916**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 7, 1975

This bill would prohibit the transfer of any sounds recorded on a sound recording without the consent of the owner with the intent to sell such transferred recording or use it to promote the sale of a product.

The committee amendments reduced the penalty for such an offense from a high misdemeanor to a misdemeanor and make technical language changes in the bill.

FROM THE OFFICE OF THE GOVERNOR

JANUARY 8, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill which prohibits the unauthorized duplication and sale of sound recordings, either tape recordings or discs.

The measure, A-1916, sponsored by Assemblyman Joseph A. LeFante, D-Hudson, makes it a misdemeanor for any person, without the consent of the owner, to knowingly transfer any recorded sounds with the intent to sell the duplicate article.

The bill also makes it a misdemeanor for any person to advertise or sell any sound recording which the person knows has been produced in violation of the measure.

The measure exempts broadcasters who duplicate recordings for use as part of a broadcast, or persons who duplicate recordings in their own homes for their own personal use without deriving any profit.

Byrne also signed, S-1512, sponsored by Senator Joseph A. Maressa, D-Camden, which prohibits as a disorderly person the possession of a forged, altered or counterfeited driver's license or motor vehicle registration certificate.

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