

Judiciary 3/12, Pass per 3486 4/9

Senate File 309  
Judiciary  
Shaw, Chairman  
Carr  
Kelly

FILED MAR 12 1975

SENATE FILE 309

See Judiciary 4/22, Pass 4/25

By WILLITS

Senate File 309  
Judiciary and Law  
Enforcement  
Hennessey, Chairman  
Dyrland  
Evans

Passed Senate, Date 4-18-75 (1002) Passed House, Date 5-12-75 (1703)

Vote: Ayes 41 Nays 0 Vote: Ayes 85 Nays 2

Approved 6-5-75

Opposed Senate per House amendment  
5-27-75 (1585)  
47-0

Motion to reconsider filed 5-12 (1704) reconsidered 5-21  
Repassed House 5-21-75 (1870)  
88-1

## A BILL FOR

1 An Act relating to the reproduction and duplication of sound  
2 recordings and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Chapter seven hundred thirteen (713), Code  
2 1975, is amended by adding the following new section:

3 NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

4 1. Except as provided in subsection three (3) of this  
5 section, it is unlawful for a person knowingly to:

6 a. Transfer or cause to be transferred any sounds recorded  
7 on a phonograph record, disc, wire, tape, film or other article  
8 onto another phonograph record, disc, wire, tape, film or  
9 article; or

10 b. Sell; distribute; circulate; offer for sale, distribu-  
11 tion or circulation; possess for the purpose of sale, dis-  
12 tribution or circulation; or cause to be sold, distributed,  
13 circulated; offered for sale, distribution or circulation;  
14 or possessed for sale, distribution or circulation, any ar-  
15 ticle or device on which sounds have been transferred without  
16 the consent of the person who owns the master phonograph  
17 record, master disc, master tape or other device or article  
18 from which the sounds are derived.

19 2. It is unlawful for a person to sell, distribute, cir-  
20 culate, offer for sale, distribution or circulation or possess  
21 for the purposes of sale, distribution or circulation, any  
22 phonograph record, disc, wire, tape, film or other article  
23 on which sounds have been transferred unless the phonograph  
24 record, disc, wire, tape, film or other article bears the  
25 actual name and address of the transferor of the sounds in  
26 a prominent place on its outside face or package.

27 3. This section does not apply to a person who transfers  
28 or causes to be transferred sounds intended for or in connec-  
29 tion with radio or television broadcast transmission or re-  
30 lated uses, for archival purposes or for the personal use  
31 of the person transferring or causing the transfer and without  
32 any compensation being derived by the person from the transfer.

33 4. A person who violates the provisions of this section  
34 is guilty of a misdemeanor.

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EXPLANATION

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This bill prohibits the transfer of sound recordings onto another device, such as a phonograph record, and the sale of the transferred sound recording without the consent of the person who owns the master phonograph record. The article to which the sounds have been transferred shall bear the name of the transferor of the sounds.

S-3486

1 Amend Senate File 309, page 1, line 30, by  
2 inserting after the word "uses" the words ", synchron  
3 nized sound tracks of motion pictures or sound tracks  
4 recorded for synchronizing with motion pictures".

S-3486 FILED - *Adopted 4/18 (1002)*  
APRIL 9, 1975

COMMITTEE ON JUDICIARY  
GENE W. GLENN, CHAIRMAN

HOUSE AMENDMENT TO SENATE FILE 309

S-3919

1 Amend Senate File 309 as amended and passed by  
2 the Senate as follows:

3 1. Page 1, by striking lines 1 through 9, and  
4 inserting in lieu thereof the following:

5 "Section 1. DEFINITIONS. For the purposes of  
6 this Act:

7 1. "Person" shall mean person as defined in  
8 section four point one (4.1), subsection thirteen  
9 (13) of the Code.

10 2. "Owner" means any person who owns the original  
11 fixation of sounds embodied in the master phonograph  
12 record, master disc, master tape, master film or  
13 other device used for reproducing sounds on phono-  
14 graph records, discs, tapes, films, or other articles  
15 upon which sound is recorded, and from which the  
16 transferred recorded sounds are derived.

17 Sec. 2. Chapter seven hundred thirteen (713),  
18 Code 1975, is amended by adding the following new  
19 section:

20 NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

21 1. Except as provided in subsection three (3)  
22 of this section, it is unlawful for a person  
23 knowingly to:

24 a. Transfer or cause to be transferred any sounds  
25 recorded on a phonograph record, disc, wire, tape,  
26 film or other article without the consent of the  
27 owner; or".

S-3919 FILED  
MAY 23, 1975

RECEIVED FROM THE HOUSE

*Senate concurred 5/27 (1584)*

H-3867

1 Amend Senate File 309 as amended and passed by  
2 the Senate as follows:

3 1. Page 1, by striking lines 1 through 9, and  
4 inserting in lieu thereof the following:

5 "Section 1. DEFINITIONS. For the purposes of  
6 this Act:

7 1. "Person" shall mean person as defined in section  
8 four point one (4.1), subsection thirteen (13) of  
9 the Code.

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

17 Sec. 2. Chapter seven hundred thirteen (713),  
18 Code 1975, is amended by adding the following new  
19 section:

20 NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

21 1. Except as provided in subsection three (3)  
22 of this section, it is unlawful for a person knowingly  
23 to:

24 a. Transfer or cause to be transferred any sounds  
25 recorded on a phonograph record, disc, wire, tape,  
26 film or other article without the consent of the  
27 owner; or"

H-3867 FILED - *Adopted 5/21 (1870)*  
MAY 15, 1975

BY CONNORS of Polk  
HENNESSEY of Delaware  
WOODS of Polk

SENATE FILE 309

AN ACT

RELATING TO THE REPRODUCTION AND DUPLICATION OF SOUND RECORDINGS AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. DEFINITIONS. For the purposes of this Act:

- 1. "Person" shall mean person as defined in section four point one (4.1), subsection thirteen (13) of the Code.
- 2. "Owner" means any 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 the transferred recorded sounds are derived.

Sec. 2. Chapter seven hundred thirteen (713), Code 1975, is amended by adding the following new section:

NEW SECTION. REPRODUCTION OF SOUND RECORDINGS.

- 1. Except as provided in subsection three (3) of this section, it is unlawful for a person knowingly to:
  - a. Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article without the consent of the owner; or
  - b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.
- 2. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any

phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

3. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

4. A person who violates the provisions of this section is guilty of a misdemeanor.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 309, Sixty-sixth General Assembly.

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CLARK R. RASMUSSEN  
Secretary of the Senate

Approved June 5, 1975

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ROBERT D. RAY  
Governor