STATE OF NEW YORK

5234

2017-2018 Regular Sessions

IN SENATE

March 16, 2017

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the arts and cultural affairs law, in relation to creating and protecting a right of public performance for creators of sound recordings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The arts and cultural affairs law is amended by adding a new section 31.06 to read as follows:

§ 31.06. Right of public performance for creators of sound recordings. 1. Definitions. For purposes of this section the terms "public performance" and "right of performance" shall mean the right to control or authorize the playing of copyrighted sound recordings for profit, but shall not include the playing of music on AM/FM radio, in a store, in a restaurant, in a bar, in a museum, at a school, or other such place where the music is not the central purpose for the presence of an individual in a given location or no fee is charged.

2. The author of an original work of authorship consisting of a sound recording initially fixed prior to February fifteenth, nineteen hundred seventy-two, has an exclusive ownership therein until February fifteenth, two thousand sixty-seven, as against all persons except one who independently makes or duplicates another sound recording that does not directly or indirectly recapture the actual sounds fixed in such prior sound recordings, but consists entirely of an independent fixation of other sounds, even though such sounds imitate or simulate the sounds contained therein.

3. Any person who causes the public performance of, or infringes on the right of performance to, any copyrighted sound recording, without the consent of its owner shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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