Tenn. passes Web entertainment theft bill

June 1 2011, By SHEILA BURKE and LUCAS L. JOHNSON II , Associated Press

(AP) -- State lawmakers in country music's capital have passed a groundbreaking measure that would make it a crime to use a friend's login - even with permission - to listen to songs or watch movies from services such as Netflix or Rhapsody.

The bill, now awaiting the governor's signature, was pushed by recording industry officials to try to stop the loss of billions of dollars to illegal music sharing. They hope other states will follow.

The legislation was aimed at hackers and thieves who sell passwords in bulk, but its sponsors acknowledge it could be employed against people who use a friend's or relative's subscription.

While those who share their subscriptions with a spouse or other family members under the same roof almost certainly have nothing to fear, blatant offenders - say, college students who give their logins to everyone on their dormitory floor - could get in trouble.

"What becomes not legal is if you send your user name and password to all your friends so they can get free subscriptions," said the bill's House sponsor, Rep. Gerald McCormick.

Under the measure, download services that believe they are getting ripped off can go to law enforcement authorities and press charges.

The bill expands an existing law used to prosecute people who steal cable

television or leave restaurants without paying for their meals. It adds "entertainment subscription service" to the list of services protected by the law.

Tennessee would become the first state to update its theft-of-cable laws for the 21st century and address the new trend toward Internet delivery of entertainment, according to the Recording Industry Association of America.

"I think it's stupid," college student Josh Merbitz said of the law. The 20-year-old music education major at Middle Tennessee State University said he watches Netflix movies online using the password of his friend's father, with the father's permission.

Stealing $500 or less of entertainment would be a misdemeanor punishable by up to a year in jail and a fine of $2,500. Theft with a higher price tag would be a felony, with heavier penalties.

Gov. Bill Haslam said Tuesday that he hasn't yet reviewed the bill but expressed support for steps to reduce music piracy, citing the large record industry presence in Nashville.

"I don't know enough about that legislation, but if it's combating that issue, I would be in favor of it," Haslam said.

The recording industry, a major taxpayer in Tennessee, loses money when users share accounts for music services instead of paying separately.

Mitch Glazier, executive vice president of public policy for the RIAA, said the bill is a necessary protective measure as digital technology evolves. The music industry has seen its domestic revenue plunge by more than half in 10 years, from $15 billion to $7 billion, he said.

Bill Ramsey, a Nashville lawyer who practices both entertainment law and criminal defense, said that he doubts the law would be used to ban people in the same household from sharing subscriptions, and that small-scale violations involving a few people would, in any case, be difficult to detect. But "when you start going north of 10 people, a prosecutor might look and say, `Hey, you knew it was stealing,'" Ramsey said.

Music industry officials said they usually catch people who steal and resell logins in large quantities because they advertise.

Among the measure's critics is public defender David Doyle, who said the wording is too vague and overly broad. He said an "entertainment subscription" could be interpreted to mean a magazine subscription or a health club membership.

Kelly Kruger, an 18-year-old aerospace major at Middle Tennessee State University, said she likes to watch Netflix movies online in her dorm by logging in with her mother's account information. Kruger said she hands out the login information to friends who don't live with her.

Even with a law against it, "I think people will keep doing it, like illegal downloading," Kruger said.

©2011 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Citation: Tenn. passes Web entertainment theft bill (2011, June 1) retrieved 24 April 2024 from https://phys.org/news/2011-06-tenn-web-theft-bill.html

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.