

Assembly Bill No. 2633

CHAPTER 712

An act to add Chapter 11.5 (commencing with Section 21800) to Division 8 of the Business and Professions Code, relating to optical discs.

[Approved by Governor September 21, 1998. Filed
with Secretary of State September 22, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2633, Murray. Optical discs.

Existing law does not regulate the manufacture of optical discs in California.

This bill would require every person who manufactures an optical disc for commercial purposes to permanently mark each manufactured optical disc with an identification mark that identifies the name of the manufacturer and the state in which the optical disc was manufactured. It would be a misdemeanor for a manufacturer to violate this requirement, and a misdemeanor for a person to buy or sell, receive, transfer, or possess for purposes of sale or rental, an optical disc knowing that the identification mark required by this chapter has been removed, defaced, covered, altered, or destroyed. Certain related activities would also be crimes. The bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11.5 (commencing with Section 21800) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 11.5. OPTICAL DISC IDENTIFICATION

21800. Every person who manufactures an optical disc for commercial purposes shall permanently mark each manufactured optical disc with an identification mark that identifies the name of the manufacturer and the state in which the optical disc was manufactured.

21801. The identification mark required by this chapter shall be affixed by molding, diestamping, etching, or other permanent method in a manner in which it is clearly visible without the aid of magnification or special devices to read the mark.

21802. For purposes of this chapter, a person manufactures an optical disc for commercial purposes if that person manufactures at least 10 of the same or different optical discs in a 180-day period by storing information on the disc for the purposes of resale by that person or others. For the purposes of this chapter, “manufacturer” means a person who replicates the physical optical disc or produces the master used in any optical disc replication process. It does not include a person who manufactures optical discs for internal use, testing, or review, or a person who manufactures blank optical discs.

21803. For purposes of this chapter, an optical disc is a disc capable of being read by a laser or other light source on which data is stored in digital form. It includes, but is not limited to, discs known as CDs, DVDs, or related mastering source materials.

21804. Except as otherwise provided in this chapter, any manufacturer of optical discs who violates this chapter is guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) for a first offense, and shall be subject to a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000) for a second or subsequent offense.

21805. Any person who buys, sells, receives, transfers, or possesses for purposes of sale or rental an optical disc knowing that the identification mark required by this chapter has been removed, defaced, covered, altered, or destroyed, or knowing it was manufactured in California without the required identification mark, or knowing it was manufactured in California with a false identification mark is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

21806. Any person who knowingly removes, defaces, covers, alters, or destroys the identification mark required by this chapter is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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