

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1353 be amended to read as follows:

- 1 Page 17, between lines 40 and 41, begin a new paragraph and insert:
- 2 "SECTION 20. IC 32-36-1-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This chapter
- 4 applies to an act or event that occurs within Indiana, regardless of a
- 5 personality's domicile, residence, or citizenship.
- 6 (b) This chapter does not affect rights and privileges recognized
- 7 under any other law that apply to a news reporting or an entertainment
- 8 medium.
- 9 (c) This chapter does not apply to the following:
- 10 (1) **Except as provided in section 21 of this chapter**, the use of
- 11 a personality's name, voice, signature, photograph, image,
- 12 likeness, distinctive appearance, gestures, or mannerisms in any
- 13 of the following:
- 14 (A) Literary works, theatrical works, musical compositions,
- 15 film, radio, or television programs.
- 16 (B) Material that has political or newsworthy value.
- 17 (C) Original works of fine art.
- 18 (D) Promotional material or an advertisement for a news
- 19 reporting or an entertainment medium that:
- 20 (i) uses all or part of a past edition of the medium's own
- 21 broadcast or publication; and
- 22 (ii) does not convey or reasonably suggest that a personality
- 23 endorses the news reporting or entertainment medium.
- 24 (E) An advertisement or commercial announcement for a use
- 25 described in this subdivision.

- 1 (2) The use of a personality's name to truthfully identify the
- 2 personality as:
- 3 (A) the author of a written work; or
- 4 (B) a performer of a recorded performance;
- 5 under circumstances in which the written work or recorded
- 6 performance is otherwise rightfully reproduced, exhibited, or
- 7 broadcast.
- 8 (3) The use of a personality's:
- 9 (A) name;
- 10 (B) voice;
- 11 (C) signature;
- 12 (D) photograph;
- 13 (E) image;
- 14 (F) likeness;
- 15 (G) distinctive appearance;
- 16 (H) gestures; or
- 17 (I) mannerisms;
- 18 in connection with the broadcast or reporting of an event or a
- 19 topic of general or public interest.
- 20 SECTION 21. IC 32-36-1-21 IS ADDED TO THE INDIANA
- 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2006]: **Sec. 21. A person's heirs, assigns, or**
- 23 **estate may not claim a property interest in the right of publicity of**
- 24 **a person if the publicity is related in whole or in part to the**
- 25 **person's criminal involvement in a state or federal criminal**
- 26 **offense."**
- 27 Renumber all SECTIONS consecutively.
- (Reference is to HB 1353 as printed January 20, 2006.)

Representative Foley