

Union Calendar No. 569

102D CONGRESS
2D SESSION**S. 893****[Report No. 102-997]**

To amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

 IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1992

Referred to the Committee on the Judiciary

OCTOBER 3, 1992

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) section 2319(b)(1) of title 18, United States
4 Code, is amended—

5 (1) in paragraph (B) by striking “or” after the
6 semicolon;

1 (2) redesignating paragraph (C) as paragraph
2 (D);

3 (3) by adding after paragraph (B) the follow-
4 ing:

5 “(C) involves the reproduction or distribu-
6 tion, during any 180-day period, of at least 50
7 copies infringing the copyright in one or more
8 computer programs (including any tape, disk,
9 or other medium embodying such programs);
10 or”;

11 (4) in new paragraph (D) by striking “or” after
12 “recording,” and

13 (5) in new paragraph (D) by adding “, or a
14 computer program”, before the semicolon.

15 (b) Section 2319(b)(2) of title 18, United States
16 Code, is amended—

17 (1) in paragraph (A) by striking “or” after the
18 semicolon;

19 (2) in paragraph (B) by striking “and” at the
20 end thereof and inserting “or”, and

21 (3) by adding after paragraph (B) the follow-
22 ing:

23 “(C) involves the reproduction or distribu-
24 tion, during any 180-day period, of more than
25 10 but less than 50 copies infringing the copy-

1 right in one or more computer programs (in-
 2 cluding any tape, disk, or other medium em-
 3 bodying such programs); and”.

4 (e) Section 2319(e) of title 18, United States Code,
 5 is amended—

6 (1) in paragraph (1) by striking “and” after
 7 the semicolon;

8 (2) in paragraph (2) by striking the period at
 9 the end thereof and inserting “, and”; and

10 (3) by adding at the end thereof the following:

11 “(3) the term ‘computer program’ has the same
 12 meaning as set forth in section 101 of title 17, Unit-
 13 ed States Code.”.

14 **SECTION 1. CRIMINAL PENALTIES FOR COPYRIGHT IN-**
 15 **FRINGEMENT.**

16 *Section 2319(b) of title 18, United States Code, is*
 17 *amended to read as follows:*

18 “(b) Any person who commits an offense under sub-
 19 section (a) of this section—

20 “(1) shall be imprisoned not more than 5 years,
 21 or fined in the amount set forth in this title, or both,
 22 if the offense consists of the reproduction or distribu-
 23 tion, during any 180-day period, of at least 10 copies
 24 or phonorecords, of 1 or more copyrighted works, with
 25 a retail value of more than \$2,500;

1 “(2) shall be imprisoned not more than 10 years,
2 or fined in the amount set forth in this title, or both,
3 if the offense is a second or subsequent offense under
4 paragraph (1); and

5 “(3) shall be imprisoned not more than 1 year,
6 or fined in the amount set forth in this title, or both,
7 in any other case.”.

8 **SEC. 2. CONFORMING AMENDMENTS.**

9 Section 2319(c) of title 18, United States Code, is
10 amended—

11 (1) in paragraph (1) by striking “ ‘sound record-
12 ing’, ‘motion picture’, ‘audiovisual work’, ‘phono-
13 record’, ” and inserting “ ‘phonorecord’ ”; and

14 (2) in paragraph (2) by striking “118” and in-
15 serting “120”.

Amend the title so as to read: “An Act to amend title 18, United States Code, with respect to the criminal penalties for copyright infringement.”.

Passed the Senate June 4 (legislative day, March 26), 1992.

Attest:

WALTER J. STEWART,

Secretary.

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