SB0003/427178/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 3
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Greenip" and substitute "Greenip, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Haines, Glassman, Harrington, Jacobs, Jones, Kasemeyer, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin".

AMENDMENT NO. 2

On page 1, in line 3, after "from" insert "knowingly"; in line 5, after "individuals;" insert "providing for the application of this Act;"; and in line 9, strike "19–403" and substitute "19–404".

AMENDMENT NO. 3

On page 2, after line 17, insert:

"**19-402.**

THIS SECTION DOES NOT APPLY TO:

(1) THE USE OF A SOLDIER'S NAME, PORTRAIT, PICTURE, OR IMAGE IN AN ATTEMPT TO PORTRAY, DESCRIBE, OR IMPERSONATE THAT SOLDIER IN A LIVE PERFORMANCE, SINGLE AND ORIGINAL WORK OF FINE ART, PLAY, BOOK, ARTICLE, FILM, MUSICAL WORK, RADIO OR TELEVISION PROGRAMMING, OR OTHER AUDIO OR AUDIOVISUAL WORK, IF THE PERFORMANCE, FINE ART, PLAY, BOOK, ARTICLE, FILM, MUSICAL WORK, RADIO OR TELEVISION PROGRAMMING, OR OTHER AUDIO OR AUDIOVISUAL WORK DOES

(Over)

NOT CONSTITUTE A COMMERCIAL ADVERTISEMENT FOR ANY PRODUCT, GOOD, WARE, OR MERCHANDISE;

(2) THE USE OF A SOLDIER'S NAME, PORTRAIT, PICTURE, OR IMAGE FOR NONCOMMERCIAL PURPOSES, INCLUDING ANY NEWS, PUBLIC AFFAIRS, OR SPORTS BROADCAST OR ACCOUNT;

(3) THE USE OF A SOLDIER'S NAME IN TRUTHFULLY IDENTIFYING THE SOLDIER AS THE AUTHOR OF A PARTICULAR WORK OR PROGRAM OR AS THE PERFORMER IN A PARTICULAR PERFORMANCE;

(4) ANY PROMOTIONAL MATERIALS, ADVERTISEMENTS, OR COMMERCIAL ANNOUNCEMENTS FOR A USE DESCRIBED IN ITEM (1), (2), OR (3) OF THIS SECTION;

(5) UNLESS THE EXHIBITION IS CONTINUED BY THE PROFESSIONAL PHOTOGRAPHER AFTER WRITTEN NOTICE OBJECTING TO THE EXHIBITION BY A PERSON WITH THE AUTHORITY TO GRANT CONSENT FOR USE UNDER § 19-403 OF THIS SUBTITLE, THE USE OF PHOTOGRAPHS, VIDEO RECORDINGS, AND IMAGES BY A PERSON PRACTICING PROFESSIONAL PHOTOGRAPHY TO EXHIBIT, IN OR ABOUT THE PROFESSIONAL PHOTOGRAPHER'S PLACE OF BUSINESS OR PORTFOLIO, SAMPLES OF THE PROFESSIONAL PHOTOGRAPHER'S WORK;

(6) THE USE OF A SOLDIER'S PICTURE, PORTRAIT, OR IMAGE THAT IS NOT FACIALLY IDENTIFIABLE; AND

(7) A PHOTOGRAPH OF A MONUMENT OR A MEMORIAL THAT IS PLACED ON ANY PRODUCT, GOOD, WARE, OR MERCHANDISE.";

and in lines 18, 26, and 27, strike "**19-402.**", "**19-403.**", and "**19-402**", respectively, and substitute "**19-403.**", "**19-404.**", and "**19-403**", respectively.

AMENDMENT NO. 4

On page 2, in line 19, after "**NOT**" insert "**KNOWINGLY**"; strike beginning with the comma in line 20 down through "**BY**" in line 21 and substitute "**IN**"; in line 21, after "**FOR**" insert "**THE**"; in line 22, after "**SALE**" insert "**OF**"; in the same line, after "**SERVICE,**" insert "**FOR THE PURPOSE OF GAINING A COMMERCIAL ADVANTAGE,**"; in the same line, strike "**FIRST**"; in line 23, after "**OBTAINING**" insert "**PRIOR**"; in the same line, after "**FROM**" insert "**THE SOLDIER OR**"; in line 27, strike "**THAT**" and substitute "**WHO**"; and in line 28, in each instance, strike the comma.