MEDIA COALITION, INC.
DEFENDING THE FIRST AMENDMENT SINCE 1973

American Booksellers Association  Association of American Publishers, Inc.  Comic Book Legal Defense Fund  Entertainment Merchants Association
Entertainment Software Association  Freedom to Read Foundation  Motion Picture Association of America, Inc.  Recording Industry Association of America, Inc.

June 23, 2015

Senator Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 4016
Sacramento, CA 95814

**Re: A.B. 538: Opposed Unless Amended**

Dear Chairwoman Hancock,

Media Coalition is opposed to A.B. 538 unless it is amended to remove Section 2 or place the burden for reporting contracts on the "criminal offender." We understand the desire to provide restitution for victims of crimes, but we believe the bill's narrow focus on contracts for the story of the crime will have a chilling effect on First Amendment rights of the producers of constitutionally protected speech. The trade associations and other organizations that comprise Media Coalition have many members throughout the country including California: publishers, booksellers and librarians as well as producers and retailers of recordings, films, home video and video games.

Section 2 of the bill would require any person or entity that enters into a contract for "the sale of the story of a crime for which the offender was convicted" with a person convicted of specified crimes to report it to the Office of Survivor Rights and Services.

The reporting requirement is likely unconstitutional because it focuses solely on contracts for the story of a crime, which will have a chilling effect on authors, musicians, filmmakers and others. In support of our position, we adopt the legal arguments made in the letter from Jonathan Bloom on behalf of the Association of American Publishers, a member of Media Coalition (see attached). His letter explains the case law relevant to legislation in this area. Again, we urge you to remove or amend Section 2 of this bill.

Respectfully submitted,

David Horowitz
Executive Director

cc: Assemblywoman Nora Campos
Members, Senate Committee on Public Safety
Jerome McGuire, Committee Consultant
Eric Csizmar, Republican Consultant

Executive Director: David Horowitz  Chair: Barbara Jones, Freedom to Read Foundation
Immediate Past Chair: Tom Foulkes, Entertainment Software Association  Treasurer: Sean Bersell, Entertainment Merchants Association
General Counsel: Michael A. Bamberger and Richard M. Zuckerman, Dentons US LLP