

are exceptions to the rule. They list the situations in which pictures can be used, names can be used, without running afoul of section 2. For example, you go to a basketball game. You are sitting in section 23. The sports photographer for the Lincoln Journal turns around, snaps a picture of a piece of action on the floor and even though they capture the action on the court they also capture some background people. Well you do not have a cause of action if you get caught in part of a picture as a part of the public when you are at a sporting event. That kind of situation is covered by the exceptions in 1, 2 and 3 on page 2 of the committee amendments. So those are the subsections then at the top of the page. Section 3 of the bill creates a cause of action for physical intrusion. It says that where a person's solitude, where a person's place of solitude and seclusion is intruded upon, then there can be a cause of action. Well in this kind of a situation cases in other jurisdictions indicate, for example, the use of long range cameras and infrared cameras to shoot into your home, for example, or the use of bugging devices or the carving of holes and then the taking of pictures in such places as telephone booths or restrooms and the like. This section is premised upon a place or a physical location to which one is reasonably entitled to a sense of privacy, a home, an office, a restroom, a telephone booth that you are occupying or the like and it says that where there is a physical intrusion into your solitude and seclusion you may sue for damages. Section 4 is perhaps the most difficult of the concepts of the bill. It is the false light provision. The false light provision says that where a piece of publication, publicity or the like, places you in a false light, then you can sue. This is somewhat distinguishable from libel although there is a fairly close relationship between the two. For example, an article is run about nefarious practices by taxi drivers overcharging and the like and the picture of an honest taxicab driver is used in that article. That is an example of false light or perhaps where someone publishes on the side of a wall the list of their bad debtors and they include pictures of them and names and addresses and the like and the name and address of someone who is not a bad debtor is included in that list. That, for example, is an action of false light. The most recent example, and there are very few to speak honestly about this provision, there are very few cases where a successful action from false light has been brought but a recent one was in which there was coverage of a mother and daughter five months following the death of the father