

MOVIE MAKER

THE ART AND BUSINESS OF MAKING MOVIES

03.30.2011

Cinema Law: Can I Film U.S. Currency?

by David Albert Pierce, Esq.

http://www.moviemaker.com/blog/item/cinema_law_filming_money_united_states_currency_20110125/

Welcome to Cinema Law, where you ask the questions of our resident team of legal experts and, each week, they'll provide the answers to your production queries. Have a burning question yourself? E-mail it to cinemalaw@moviemaker.com and your question may just be on next week's blog! Cinema Law is presented as general information only and is not meant to take the place of professional legal advice.



Q: I've heard that it is illegal to use U.S. currency in films, though I have seen it in films before. I've been using money facsimiles for photography. Though the money looks real, it is watermarked on both sides with a disclaimer saying "not for legal tender." I am about to shoot a film that requires cash props and wondered if the bills I have break any regulations.

David Albert Pierce, Esq.: Your belief that you cannot film money is incorrect. A law permitting the filming of cash for use in motion pictures is found in the U.S. Code under the topic heading, "Printing and Filming of United States and Foreign Obligations & Securities" (18 USC 504), and it reads as follows: "Notwithstanding any other provision of this chapter, the following are permitted: . . . (3) The making or importation of motion-picture films . . . for projection upon a screen or for use in telecasting of postage and revenue stamps and other obligations and securities of the United States, and postage and revenue stamps, notes, bonds, and other obligations or securities of any foreign government, bank, or corporation."

As for your creation of your own "prop money," you should be aware that you are actually better off using actual money in your motion picture. If you desire to use "prop money" then you must fully comply with the requirement of "The Counterfeit Detection Act of 1992" (31 CFR 411). The applicable portion of that law states that when creating prop money, the requirements of 31 CFR § 411.1(a) must be met, which reads, ". . . authority is hereby given for the printing . . . or making . . . of the necessary plates or items for such printing or publishing, of color illustrations of U.S. currency provided that: (1) The illustration be of a size less than three-fourths or more than one and one-half, in linear dimension (of actual U.S. currency), of each part of any matter so illustrated; (2) The illustration be one-sided; and (3) All negatives, plates, positives, digitized storage medium, graphic files, magnetic medium, optical storage devices, and any other thing used in the making of the illustration that contain an image of the illustration or any part thereof shall be destroyed and/or deleted or erased after their final use in accordance with this section."

Given the strict requirements of the "Counterfeit Detection Act" it's usually easier to use real money, assuming you can get your hands on the type of cash you want to use for the scene (which might be difficult if the scene requires the use of hundred dollar bills). However if, for example, you plan to burn cash, then you will need to use prop money and follow the rules of "The Counterfeit Detection Act" which requires the bills to be smaller than actual bills, one sided and destroyed after their intended use. Burning actual currency is a crime set forth under 18 USC 333, which prohibits burning money or mutilating currency in any way so as to render it unfit to be reissued.

David Albert Pierce is managing member of Pierce Law Group LLP, a boutique entertainment law firm with an emphasis on providing employment law counseling for independent film and television production companies. Pierce has served as counsel for "Amazing Race," "Oprah's Big Give" and numerous projects for View Films (producers of the long-running "Taxicab Confessions" and the new CBS drama "The Defenders"). Pierce has also provided entertainment related

employment law advice to Morgan Creek Productions, Starz!/Encore, Cartoon Network, Film Roman, Lions Gate Films and Lions Gate Televisions (including such critically acclaimed shows as "Weeds" "Mad Men" and "Nurse Jackie").

© 2011 MovieMaker Magazine

PIERCE LAW GROUP LLP