



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3531

Introduced 2/22/2021, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12A-10
720 ILCS 5/12A-15
720 ILCS 5/12A-20
720 ILCS 5/12A-25 rep.

Amends the Violent Video Games Law in the Criminal Code of 2012. Changes provisions that restricts the sale or rental of violent video games to minors to prohibit the sale of all violent video games. Modifies the definition of "violent video game" to mean a video game that allows a user or player to control a character within the video game that is encouraged to perpetuate human-on-human violence in which the player kills or otherwise causes serious physical or psychological harm to another human or an animal. Modifies the definition of "serious physical harm" to include psychological harm and child abuse, sexual abuse, animal abuse, domestic violence, violence against women, or motor vehicle theft with a driver or passenger present inside the vehicle when the theft begins. Makes conforming changes, including repealing a Section concerning the labeling of violent video games by video game retailers.

LRB102 16979 KMF 22397 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 12A-10, 12A-15, and 12A-20 as follows:

6 (720 ILCS 5/12A-10)

7 Sec. 12A-10. Definitions. For the purposes of this
8 Article, the following terms have the following meanings:

9 (a) "Video game retailer" means a person who sells or
10 rents video games to the public.

11 (b) "Video game" means an object or device that stores
12 recorded data or instructions, receives data or instructions
13 generated by a person who uses it, and, by processing the data
14 or instructions, creates an interactive game capable of being
15 played, viewed, or experienced on or through a computer,
16 gaming system, console, or other technology.

17 (c) (Blank). ~~"Minor" means a person under 18 years of age.~~

18 (d) "Person" includes but is not limited to an individual,
19 corporation, partnership, and association.

20 (e) "Violent video game" means a video game that allows a
21 user or player to control a character within the video game
22 that is encouraged to perpetuate ~~"Violent" video games include~~
23 ~~depictions of or simulations of human-on-human violence in~~

1 which the character ~~player~~ kills or otherwise causes serious
2 physical or psychological harm to another human or an animal.

3 (f) "Serious physical or psychological harm" includes
4 depictions of death, dismemberment, amputation, decapitation,
5 maiming, disfigurement, mutilation of body parts, child abuse,
6 sexual abuse, animal abuse, domestic violence, violence
7 against women, ~~or~~ rape, or motor vehicle theft with a driver or
8 passenger present inside the vehicle when the theft begins.

9 (Source: P.A. 94-315, eff. 1-1-06.)

10 (720 ILCS 5/12A-15)

11 Sec. 12A-15. Prohibited ~~Restricted~~ sale or rental of
12 violent video games.

13 (a) A person who sells, rents, or permits to be sold or
14 rented, any violent video game ~~to any minor,~~ commits a petty
15 offense for which a fine of \$1,000 may be imposed.

16 (b) (Blank). ~~A person who sells, rents, or permits to be~~
17 ~~sold or rented any violent video game via electronic scanner~~
18 ~~must program the electronic scanner to prompt sales clerks to~~
19 ~~check identification before the sale or rental transaction is~~
20 ~~completed. A person who violates this subsection (b) commits a~~
21 ~~petty offense for which a fine of \$1,000 may be imposed.~~

22 (c) (Blank). ~~A person may not sell or rent, or permit to be~~
23 ~~sold or rented, any violent video game through a self-scanning~~
24 ~~checkout mechanism. A person who violates this subsection (c)~~
25 ~~commits a petty offense for which a fine of \$1,000 may be~~

1 ~~imposed.~~

2 (d) A retail sales clerk shall not be found in violation of
3 this Section unless he or she has complete knowledge that the
4 video game was ~~party to whom he or she sold or rented~~ a violent
5 video game as defined in this Law ~~was a minor~~ and the clerk
6 sold or rented the video game ~~to the minor~~ with the specific
7 intent to do so.

8 (Source: P.A. 94-315, eff. 1-1-06.)

9 (720 ILCS 5/12A-20)

10 Sec. 12A-20. Affirmative defenses. In any prosecution
11 arising under this Article, it is an affirmative defense:

12 (1) (blank); ~~that the defendant was a family member of~~
13 ~~the minor for whom the video game was purchased. "Family~~
14 ~~member" for the purpose of this Section, includes a~~
15 ~~parent, sibling, grandparent, aunt, uncle, or first~~
16 ~~cousin;~~

17 (2) (blank); ~~that the minor who purchased the video~~
18 ~~game exhibited a draft card, driver's license, birth~~
19 ~~certificate or other official or apparently official~~
20 ~~document purporting to establish that the minor was 18~~
21 ~~years of age or older, which the defendant reasonably~~
22 ~~relied on and reasonably believed to be authentic;~~

23 (3) for the video game retailer, if the retail sales
24 clerk had complete knowledge that the video game was ~~party~~
25 ~~to whom he or she sold or rented~~ a violent video game as

1 defined in this Law ~~was a minor~~ and the clerk sold or
2 rented the video game ~~to the minor~~ with the specific
3 intent to do so; or

4 (4) that the video game sold or rented was
5 pre-packaged and rated EC, E10+, E, or T by the
6 Entertainment Software Ratings Board.

7 (Source: P.A. 94-315, eff. 1-1-06.)

8 (720 ILCS 5/12A-25 rep.)

9 Section 10. The Criminal Code of 2012 is amended by
10 repealing Section 12A-25.