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LRB094 11300 RLC 43452 a

1 AMENDMENT TO HOUSE BILL 4023

2 AMENDMENT NO. _____. Amend House Bill 4023 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding
5 Articles 12A and 12B as follows:

6 (720 ILCS 5/Art. 12A heading new)

7 ARTICLE 12A. VIOLENT VIDEO GAMES

8 (720 ILCS 5/12A-1 new)

9 Sec. 12A-1. Short title. This Article may be cited as the
10 Violent Video Games Law.

11 (720 ILCS 5/12A-5 new)

12 Sec. 12A-5. Findings.

13 (a) The General Assembly finds that minors who play violent
14 video games are more likely to:

15 (1) Exhibit violent, asocial, or aggressive behavior.

16 (2) Experience feelings of aggression.

17 (3) Experience a reduction of activity in the frontal
18 lobes of the brain which is responsible for controlling
19 behavior.

20 (b) While the video game industry has adopted its own
21 voluntary standards describing which games are appropriate for
22 minors, those standards are not adequately enforced.

1 (c) Minors are capable of purchasing and do purchase
2 violent video games.

3 (d) The State has a compelling interest in assisting
4 parents in protecting their minor children from violent video
5 games.

6 (e) The State has a compelling interest in preventing
7 violent, aggressive, and asocial behavior.

8 (f) The State has a compelling interest in preventing
9 psychological harm to minors who play violent video games.

10 (g) The State has a compelling interest in eliminating any
11 societal factors that may inhibit the physiological and
12 neurological development of its youth.

13 (h) The State has a compelling interest in facilitating the
14 maturation of Illinois' children into law-abiding, productive
15 adults.

16 (720 ILCS 5/12A-10 new)

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

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

21 (b) "Video game" means an object or device that stores
22 recorded data or instructions, receives data or instructions
23 generated by a person who uses it, and, by processing the data
24 or instructions, creates an interactive game capable of being
25 played, viewed, or experienced on or through a computer, gaming
26 system, console, or other technology.

27 (c) "Minor" means a person under 18 years of age.

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

30 (e) "Violent" video games include depictions of or
31 simulations of human-on-human violence in which the player
32 kills, seriously injures, or otherwise causes serious physical
33 harm to another human, including but not limited to depictions

1 of death, dismemberment, amputation, decapitation, maiming,
2 disfigurement, mutilation of body parts, or rape.

3 (720 ILCS 5/12A-15 new)

4 Sec. 12A-15. Restricted sale or rental of violent video
5 games.

6 (a) A person who sells, rents, or permits to be sold or
7 rented, any violent video game to any minor, commits a Class A
8 misdemeanor for which a fine of \$5,000 may be imposed.

9 (b) A person who sells, rents, or permits to be sold or
10 rented any violent video game via electronic scanner must
11 program the electronic scanner to prompt sales clerks to check
12 identification before the sale or rental transaction is
13 completed. A person who violates this subsection (b) commits a
14 Class A misdemeanor for which a fine of \$5,000 may be imposed.

15 (c) A person may not sell or rent, or permit to be sold or
16 rented, any violent video game through a self-scanning checkout
17 mechanism. A person who violates this subsection (c) commits a
18 Class A misdemeanor for which a fine of \$5,000 may be imposed.

19 (720 ILCS 5/12A-20 new)

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

22 (1) that the defendant was a family member of the minor for
23 whom the game was purchased. "Family member" for the purpose of
24 this Section, includes a parent, sibling, grandparent, aunt,
25 uncle, or first cousin; or

26 (2) that the minor who purchased the game exhibited a draft
27 card, driver's license, birth certificate or other official or
28 apparently official document purporting to establish that the
29 minor was 18 years of age or older, which the defendant
30 reasonably relied on and reasonably believed to be authentic.

31 (720 ILCS 5/12A-25 new)

1 Sec. 12A-25. Labeling of violent video games.

2 (a) Video game retailers shall label all violent video
3 games as defined in this Article, with a solid white "18"
4 outlined in black. The "18" shall have dimensions of no less
5 than 2 inches by 2 inches. The "18" shall be displayed on the
6 front face of the video game package.

7 (b) A retailer's failure to comply with this Section is a
8 petty offense punishable by a fine of \$1,000 for the first 3
9 violations, and a business offense punishable by a fine of
10 \$5,000 for every subsequent violation.

11 (720 ILCS 5/Art. 12B heading new)

12 ARTICLE 12B. SEXUALLY EXPLICIT VIDEO GAMES

13 (720 ILCS 5/12B-1 new)

14 Sec. 12B-1. Short title. This Article may be cited as the
15 Sexually Explicit Video Games Law.

16 (720 ILCS 5/12B-5 new)

17 Sec. 12B-5. Findings. The General Assembly finds sexually
18 explicit video games inappropriate for minors and that the
19 State has a compelling interest in assisting parents in
20 protecting their minor children from sexually explicit video
21 games.

22 (720 ILCS 5/12B-10 new)

23 Sec. 12B-10. Definitions. For the purposes of this Article,
24 the following terms have the following meanings:

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

27 (b) "Video game" means an object or device that stores
28 recorded data or instructions, receives data or instructions
29 generated by a person who uses it, and, by processing the data
30 or instructions, creates an interactive game capable of being

1 played, viewed, or experienced on or through a computer, gaming
2 system, console, or other technology.

3 (c) "Minor" means a person under 18 years of age.

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

6 (e) "Sexually explicit" video games include those that the
7 average person, applying contemporary community standards
8 would find, with respect to minors, is designed to appeal or
9 pander to the prurient interest and depicts or represents in a
10 manner patently offensive with respect to minors, an actual or
11 simulated sexual act or sexual contact, an actual or simulated
12 normal or perverted sexual act or a lewd exhibition of the
13 genitals or post-pubescent female breast.

14 (720 ILCS 5/12B-15 new)

15 Sec. 12B-15. Restricted sale or rental of sexually explicit
16 video games.

17 (a) A person who sells, rents, or permits to be sold or
18 rented, any sexually explicit video game to any minor, commits
19 a Class A misdemeanor for which a fine of \$5,000 may be
20 imposed.

21 (b) A person who sells, rents, or permits to be sold or
22 rented any sexually explicit video game via electronic scanner
23 must program the electronic scanner to prompt sales clerks to
24 check identification before the sale or rental transaction is
25 completed. A person who violates this subsection (b) commits a
26 Class A misdemeanor for which a fine of \$5,000 may be imposed.

27 (c) A person may not sell or rent, or permit to be sold or
28 rented, any sexually explicit video game through a
29 self-scanning checkout mechanism. A person who violates this
30 subsection (c) commits a Class A misdemeanor for which a fine
31 of \$5,000 may be imposed.

32 (720 ILCS 5/12B-20 new)

1 Sec. 12B-20. Affirmative defenses. In any prosecution
2 arising under this Article, it is an affirmative defense:

3 (1) that the defendant was a family member of the minor for
4 whom the game was purchased. "Family member" for the purpose of
5 this Section, includes a parent, sibling, grandparent, aunt,
6 uncle, or first cousin; or

7 (2) that the minor who purchased the game exhibited a draft
8 card, driver's license, birth certificate or other official or
9 apparently official document purporting to establish that the
10 minor was 18 years of age or older, which the defendant
11 reasonably relied on and reasonably believed to be authentic.

12 (720 ILCS 5/12B-25 new)

13 Sec. 12B-25. Labeling of sexually explicit video games.

14 (a) Video game retailers shall label all sexually explicit
15 video games as defined in this Act, with a solid white "18"
16 outlined in black. The "18" shall have dimensions of no less
17 than 2 inches by 2 inches. The "18" shall be displayed on the
18 front face of the video game package.

19 (b) A retailer who fails to comply with this Section is
20 guilty of a petty offense punishable by a fine of \$1,000 for
21 the first 3 violations, and a business offense punishable by a
22 \$5,000 fine for every subsequent violation.

23 (720 ILCS 5/12B-30 new)

24 Sec. 12B-30. Posting notification of video games rating
25 system.

26 (a) A retailer who sells or rents video games shall post a
27 sign that notifies customers that a video game rating system,
28 created by the Entertainment Software Ratings Board, is
29 available to aid in the selection of a game. The sign shall be
30 prominently posted in, or within 5 feet of, the area in which
31 games are displayed for sale or rental, at the information desk
32 if one exists, and at the point of purchase.

1 (b) The lettering of each sign shall be printed, at a
2 minimum, in 36-point type and shall be in black ink against a
3 light colored background, with dimensions of no less than 18 by
4 24 inches.

5 (c) A retailer's failure to comply with this Section is a
6 petty offense punishable by a fine of \$1,000 for the first 3
7 violations, and a business offense punishable by a \$5,000 fine
8 for every subsequent violation.

9 (720 ILCS 5/12B-35 new)

10 Sec. 12B-35. Availability of brochure describing rating
11 system.

12 (a) A video game retailer shall make available upon request
13 a brochure to customers that explains the Entertainment
14 Software Ratings Board ratings system.

15 (b) A retailer who fails to comply with this Section shall
16 receive the punishment described in subsection (b) of Section
17 12B-25.

18 Section 98. Severability. If any provision of this Act or
19 the application thereof to any person or circumstance is held
20 invalid, the remainder of this Act and the application of such
21 provision to other persons or circumstances shall not be
22 affected thereby.

23 Section 99. Effective Date. This Act takes effect upon
24 becoming law."