



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4465**

Introduced 1/11/2006, by Rep. Milton Patterson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 12C heading new  
720 ILCS 5/12C-1 new  
720 ILCS 5/12C-5 new  
720 ILCS 5/12C-10 new  
720 ILCS 5/12C-15 new  
720 ILCS 5/12C-20 new  
720 ILCS 5/12C-25 new

Amends the Criminal Code of 1961. Creates the Sexually and Violently Explicit Music Compact Discs Law. Prohibits a music compact disc retailer from selling, renting, or permitting to be sold or rented, any violent or sexually explicit music compact disc to any minor under 18 years of age. Provides that music compact disc retailers shall label all violent or sexually explicit music compact discs with a solid white "18" outlined in black. Provides that the "18" shall have dimensions of no less than 2 inches by 2 inches. Provides that the "18" shall be displayed on the front face of the violent or sexually explicit music compact disc cover or label. Provides that a violation is a petty offense. Provides for affirmative defenses.

LRB094 16591 RLC 51852 b

1 AN ACT concerning criminal law.

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 1961 is amended by adding  
5 Article 12C as follows:

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

7 ARTICLE 12C. EXPLICIT MUSIC COMPACT DISCS

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

9 Sec. 12C-1. Short title. This Article may be cited as the  
10 Sexually and Violently Explicit Music Compact Discs Law.

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

12 Sec. 12C-5. Findings. The General Assembly finds sexually  
13 and violently explicit music compact discs are inappropriate  
14 for minors and that the State has a compelling interest in  
15 assisting parents in protecting their minor children from  
16 sexually and violently explicit music compact discs.

17 (720 ILCS 5/12C-10 new)

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

20 (a) "Music compact disc retailer" means a person who sells  
21 or rents music compact discs to the public.

22 (b) "Music compact disc" means an optical disk containing  
23 recorded music.

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

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

27 (e) "Sexually explicit" music compact discs include those  
28 that the average person, applying contemporary community  
29 standards would find, with respect to minors, are designed to

1 appeal or pander to the prurient interest and contain lyrics  
2 that are patently offensive with respect to minors describing a  
3 sexual act or sexual contact, an actual or simulated normal or  
4 perverted sexual act or describing a lewd exhibition of the  
5 genitals or post-pubescent female breast.

6 (f) "Violent" music compact discs include lyrics  
7 describing human-on-human violence, killings, or serious  
8 physical harm to another human. "Serious physical harm"  
9 includes descriptions of death, dismemberment, amputation,  
10 decapitation, maiming, disfigurement, mutilation of body  
11 parts, or rape.

12 (720 ILCS 5/12C-15 new)

13 Sec. 12C-15. Restricted sale or rental of violent or  
14 sexually explicit music compact discs.

15 (a) A person who sells, rents, or permits to be sold or  
16 rented, any violent or sexually explicit music compact disc to  
17 any minor, commits a petty offense for which a fine of \$1,000  
18 may be imposed.

19 (b) A person who sells, rents, or permits to be sold or  
20 rented any violent or sexually explicit music compact disc via  
21 electronic scanner must program the electronic scanner to  
22 prompt sales clerks to check identification before the sale or  
23 rental transaction is completed. A person who violates this  
24 subsection (b) commits a petty offense for which a fine of  
25 \$1,000 may be imposed.

26 (c) A person may not sell or rent, or permit to be sold or  
27 rented, any violent or sexually explicit music compact disc  
28 through a self-scanning checkout mechanism. A person who  
29 violates this subsection (c) commits a petty offense for which  
30 a fine of \$1,000 may be imposed.

31 (d) A retail sales clerk shall not be found in violation of  
32 this Section unless he or she has complete knowledge that the  
33 party to whom he or she sold or rented a violent or sexually  
34 explicit music compact disc was a minor and the clerk sold or  
35 rented the violent or sexually explicit music compact disc to

1 the minor with the specific intent to do so.

2 (720 ILCS 5/12C-20 new)

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

5 (1) that the defendant was a family member of the minor for  
6 whom the violent or sexually explicit music compact disc was  
7 purchased. "Family member" for the purpose of this Section,  
8 includes a parent, sibling, grandparent, aunt, uncle, or first  
9 cousin;

10 (2) that the minor who purchased the violent or sexually  
11 explicit music compact disc exhibited a draft card, driver's  
12 license, birth certificate or other official or apparently  
13 official document purporting to establish that the minor was 18  
14 years of age or older, which the defendant reasonably relied on  
15 and reasonably believed to be authentic;

16 (3) for the music compact disc retailer, if the retail  
17 sales clerk had complete knowledge that the party to whom he or  
18 she sold or rented a violent or sexually explicit music compact  
19 disc was a minor and the clerk sold or rented the violent or  
20 sexually explicit music compact disc to the minor with the  
21 specific intent to do so; or

22 (4) that the music compact disc sold or rented was  
23 pre-packaged and rated by a music compact disc rating service  
24 recognized by the music publishing and distribution industry.

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

26 Sec. 12C-25. Labeling of violent or sexually explicit music  
27 compact discs.

28 (a) Music compact disc retailers shall label all violent or  
29 sexually explicit music compact discs as defined in this  
30 Article, with a solid white "18" outlined in black. The "18"  
31 shall have dimensions of no less than 2 inches by 2 inches. The  
32 "18" shall be displayed on the front face of the violent or  
33 sexually explicit music compact disc cover or label.

34 (b) A retailer's failure to comply with this Section is a

1 petty offense punishable by a fine of \$500 for the first 3  
2 violations, and \$1,000 for every subsequent violation.