



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4023

Introduced 2/28/2005, by Rep. Linda Chapa LaVia - Paul D. Froehlich - Monique D. Davis

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 12A heading new  
720 ILCS 5/12A-1 new  
720 ILCS 5/12A-5 new  
720 ILCS 5/12A-10 new  
720 ILCS 5/12A-15 new  
720 ILCS 5/12A-20 new  
720 ILCS 5/12A-25 new  
720 ILCS 5/Art. 12B heading new  
720 ILCS 5/12B-1 new  
720 ILCS 5/12B-5 new  
720 ILCS 5/12B-10 new  
720 ILCS 5/12B-15 new  
720 ILCS 5/12B-20 new  
720 ILCS 5/12B-25 new  
720 ILCS 5/12B-30 new  
720 ILCS 5/12B-35 new

Amends the Criminal Code of 1961. Creates the Violent Video Games Law. Provides that a person who sells, rents, or permits to be sold or rented, any violent video game to any minor, commits a Class A misdemeanor for which a fine of \$5,000 may be imposed. Provides that a family member's purchase of a violent video game for another family member who is a minor does not constitute a violation of this provision. Establishes labeling requirements for violent video games. Creates the Sexually Explicit Video Games Law. Provides that a person who sells, rents, or permits to be sold or rented, any sexually explicit video game to any minor, commits a Class A misdemeanor for which a fine of \$5,000 may be imposed. Provides that a family member's purchase of a sexually explicit video game for another family member who is a minor does not constitute a violation of this provision. Establishes labeling requirements for sexually explicit video games. Provides that these laws are severable. Effective January 1, 2006.

LRB094 11300 RLC 42106 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning video games.

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 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.

23 (c) Minors are capable of purchasing and do purchase  
24 violent video games.

25 (d) The State has a compelling interest in preventing  
26 violent, aggressive, and asocial behavior.

27 (e) The State has a compelling interest in preventing  
28 psychological harm to minors who play violent video games.

29 (f) The State has a compelling interest in eliminating any  
30 societal factors that may inhibit the physiological and

1 neurological development of its youth.

2 (g) The State has a compelling interest in facilitating the  
3 maturation of Illinois' children into well-meaning, productive  
4 adults.

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

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

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

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

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

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

19 (e) "Violent" video games include realistic depictions of  
20 human-on-human violence in which the player kills, seriously  
21 injures, or otherwise causes serious physical harm to another  
22 human, including but not limited to depictions of death,  
23 dismemberment, amputation, decapitation, maiming,  
24 disfigurement, mutilation of body parts, or rape.

25 (720 ILCS 5/12A-15 new)

26 Sec. 12A-15. Restricted sale or rental of violent video  
27 games. A person who sells, rents, or permits to be sold or  
28 rented, any violent video game to any minor, commits a Class A  
29 misdemeanor for which a fine of \$5,000 may be imposed.

30 (720 ILCS 5/12A-20 new)

31 Sec. 12A-20. Family purchase exemption.

32 (a) A family member's purchase of a violent video game for  
33 another family member who is a minor does not constitute a

1 violation of this Article.

2 (b) For the purpose of this Section, "family member"  
3 includes a parent, sibling, grandparent, aunt, uncle, and first  
4 cousin.

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

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

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

12 (b) A retailer's failure to comply with this Section is a  
13 petty offense punishable by a fine of \$1,000 for the first 3  
14 violations, and a business offense punishable by a fine of  
15 \$5,000 for every subsequent violation.

16 (720 ILCS 5/Art. 12B heading new)

17 ARTICLE 12B. SEXUALLY EXPLICIT VIDEO GAMES

18 (720 ILCS 5/12B-1 new)

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

21 (720 ILCS 5/12B-5 new)

22 Sec. 12B-5. Findings. The General Assembly finds sexually  
23 explicit video games inappropriate for minors.

24 (720 ILCS 5/12B-10 new)

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

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

29 (b) "Video game" means an object or device that stores  
30 recorded data or instructions, receives data or instructions  
31 generated by a person who uses it, and, by processing the data

1 or instructions, creates an interactive game capable of being  
2 played, viewed, or experienced on or through a computer, gaming  
3 system, console, or other technology.

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

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

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

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

16 Sec. 12B-15. Restricted sale or rental of sexually explicit  
17 video games. A person who sells, rents, or permits to be sold  
18 or rented, any sexually explicit video game to any minor,  
19 commits a Class A misdemeanor for which a fine of \$5,000 may be  
20 imposed.

21 (720 ILCS 5/12B-20 new)

22 Sec. 12B-20. Family purchase exemption.

23 (a) A family member's purchase of a sexually explicit video  
24 game for another family member who is a minor does not  
25 constitute a violation of this Article.

26 (b) "Family member" for the purpose of this Section,  
27 includes a parent, sibling, grandparent, aunt, uncle, and first  
28 cousin.

29 (720 ILCS 5/12B-25 new)

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

31 (a) Video game retailers shall label all sexually explicit  
32 video games as defined in this Act, with a solid white "18"  
33 outlined in black. The "18" shall have dimensions of no less

1 than 2 inches by 2 inches. The "18" shall be displayed on the  
2 front face of the video game package.

3 (b) A retailer who fails to comply with this Section is  
4 guilty of a petty offense punishable by a fine of \$1,000 for  
5 the first 3 violations, and a business offense punishable by a  
6 \$5,000 fine for every subsequent violation.

7 (720 ILCS 5/12B-30 new)

8 Sec. 12B-30. Posting notification of video games rating  
9 system.

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

17 (b) The lettering of each sign shall be printed, at a  
18 minimum, in 36-point type and shall be in black ink against a  
19 light colored background, with dimensions of no less than 18 by  
20 24 inches.

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

25 (720 ILCS 5/12B-35 new)

26 Sec. 12B-35. Availability of brochure describing rating  
27 system.

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

31 (b) A retailer who fails to comply with this Section shall  
32 receive the punishment described in subsection (b) of Section  
33 12B-25.

1           Section 98. Severability. If any provision of this Act or  
2 the application thereof to any person or circumstance is held  
3 invalid, the remainder of this Act and the application of such  
4 provision to other persons or circumstances shall not be  
5 affected thereby.

6           Section 99. Effective Date. This Act takes effect January  
7 1, 2006.