CRIME/PUNISHMENT. Creates the crime of selling violent or sexually explicit video games to minors.

AN ACT

To enact R.S. 14:91.2, relative to violent or sexually explicit video games; to prohibit the sale or rental of any violent or sexually explicit video game to a minor; establishes labeling requirements for violent or sexually explicit video games; to provide for criminal penalties; to provide for certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.2 is hereby enacted to read as follows:

§91.2. Unlawful sale or rental of violent or sexually explicit video games

A. This Section shall be cited as the "Prevention of Youth Access to Violent or Sexually Explicit Video Games Law."

B. The legislature hereby finds the following:

(1) Minors who play violent video games are more likely to:

(a) Exhibit violent, asocial, or aggressive behavior.

(b) Experience feelings of aggression.

(c) Experience the reduction of activity in the frontal lobes of the brain which is responsible for controlling behavior.
(2) Sexually explicit video games are inappropriate for minors.

(3) While the video game industry has adopted its own voluntary standards describing which games are appropriate for minors, recent events have revealed that those standards are not easily understood by customers nor adequately enforced.

(4) Minors are capable of purchasing and do purchase violent or sexually explicit video games.

(5) The state has a compelling interest in preventing violent, aggressive, and asocial behavior in minors. The state, further, has a compelling interest in suppressing any negative societal factors that may inhibit the psychological and neurological development of its youth and a compelling interest in facilitating the maturation of Louisiana's children into well-meaning, productive, and law-abiding adults.

C. For the purposes of this Section, the following definitions shall apply:

(1) "Minor" means a person under eighteen years of age.

(2) "Person" means an individual, corporation, partnership, or limited liability company.

(3) "Sexually explicit video games" means:

(a) Video games that the average person, applying contemporary community standards would find, with respect to minors, is designed to appeal or pander to the prurient interest and depicts or represents in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act or a lewd exhibition of genitals or post-pubescent female breasts.

(b) Video games which are rated "AO" for "Adults Only" by the Entertainment Software Rating Board or its successor for its sexually explicit content.

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

(5) "Video game retailer" means a person who sells, rents or distributes
video games to the public.

(6) "Violent video games" means:

(a) Video games which include realistic depictions of human on human
violence in which the player of the video game kills, seriously injures, or
otherwise causes physical harm to another human, including but not limited to
depictions of death, dismemberment, amputation, maiming, disfigurement,
mutilation of body parts, or rape.

(b) Video games that are rated "AO" for "Adults Only" by the
Entertainment Software Rating Board, or its successor, for its violent content.

D. It shall be unlawful for any video game retailer to sell, rent or
distribute one or more violent video games to a minor.

E. It shall be unlawful for any video game retailer to sell, rent or
distribute one or more sexually explicit video games to a minor.

F. Every video game retailer shall make available to any customer, upon
request, a copy of the video rating system, created by the Entertainment
Software Rating Board, or its successor.

G. Every video game retailer who sells or rents video games shall post
a sign in type, not less than 30-point type, that reads as follows: "LOUISIANA
LAW PROHIBITS THE SALE OR RENTAL OF VIOLENT OR SEXUALLY
EXPLICIT VIDEO GAMES TO PERSONS UNDER THE AGE OF
EIGHTEEN. The video game rating system, created by the Entertainment
Software Rating Board, is available at the checkout counter to aid in the
selection of a game." This sign shall be prominently posted in, or within five
feet of, the area in which games are displayed for sale, rent or distribution, at
the information desk, if one exists, and at the point of purchase, rental or
distribution.

H. Every video game retailer shall label all violent videos with a solid white label that reads "Age 18 Only" in black. The "Age 18 Only" shall have dimensions of not less than two inches by two inches and shall be displayed on the front face of the video package.

I. Every video retailer shall label all sexually explicit videos with a solid white label that reads "Age 18 Only" in black. The "Age 18 Only" shall have dimensions of not less than two inches by two inches and shall be displayed on the front face of the video package.

J. (1) It is unlawful for any minor to purchase or rent any violent video game.

(2) It shall not be unlawful for a minor to purchase or rent a violent video game if the minor purchasing or renting the violent video game is accompanied by a parent, spouse or legal guardian twenty-one years of age or older.

K. (1) It is unlawful for any minor to purchase or rent any sexually explicit video game.

(2) It shall not be unlawful for a minor to purchase or rent a sexually explicit video game if the minor purchasing or renting the sexually explicit video game is accompanied by a parent, spouse or legal guardian twenty-one years of age or older.

L. (1) Any video game retailer who violates the provisions of this Section by selling or renting a violent video game or a sexually explicit video game to a minor shall be fined not more than fifty dollars for the first offense. The penalties for the subsequent violation shall be not more than five hundred dollars for the second offense or any subsequent violations.

(2) Any minor who violates the provision of this Section by purchasing or renting a violent video game or a sexually explicit video game shall be fined not more than fifty dollars for the first offense and not more than one hundred
dollars for the second offense or any subsequent violations.

(3) A violation of the requirements of Subsection F, G, H or I shall be
deemed a violation by the owner of the establishment where the violation
occurred and shall be fined not more than five hundred dollars for the first
offense and not more than one thousand dollars for each additional offense.

Section 2. The provisions of this Act are severable. If any provision or Subsection
of this Section is held invalid or suspended, such invalidity or suspension shall not affect
other provisions or Paragraphs of this Section.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Proposed law creates the “Prevention of Youth Access to Violent or Sexually Explicit Video
Games Law.”

Proposed law states that the Legislature finds the following:

(1) Minors who play violent video games are more likely to:

   (a) Exhibit violent, asocial, or aggressive behavior.

   (b) Experience feelings of aggression.

   (c) Experience the reduction of activity in the frontal lobes of the brain which is
       responsible for controlling behavior.

(2) Sexually explicit video games are inappropriate for minors.

(3) While the video game industry has adopted its own voluntary standards describing
    which games are appropriate for minors, recent events have revealed that those
    standards are not easily understood by customers nor adequately enforced.

(4) Minors are capable of purchasing and renting and do purchase and rent violent and
    sexually explicit video games.

(5) The state has a compelling interest in preventing violent, aggressive, and asocial
    behavior in minors. The state, further, has a compelling interest in suppressing any
    negative societal factors that may inhibit the psychological and neurological
    development of its youth and a compelling interest in facilitating the maturation of
    Louisiana’s children into well-meaning, productive, and law-abiding adults.

Proposed law creates the crime of selling or renting violent or sexually explicit video games
to minors. A video game retailer who sells or rents a violent or sexually explicit video game
to a minor would be subject to a fine of not more than $50 for the first offense and not more
than $500 for each subsequent offense.

Proposed law makes it a crime for a minor to purchase or rent a violent or sexually explicit
video game. A minor who purchases or rents a violent or sexually explicit video game
would be subject to a fine of not more than $50 for the first offense and not more than $500 for each subsequent offense.

Proposed law requires video game retailers to label video games which are sexually explicit or violent with a solid white label and black writing which reads "Age 18 Only." Proposed law further requires video game retailers to post a sign within 5 feet of the place where the video games are displayed, at the information desk, if one exists, and at the point of purchase, rental or distribution, which sign is not less than 30-point type and reads as follows:

"WARNING: LOUISIANA LAW PROHIBITS THE SALE OR RENTAL OF VIOLENT OR SEXUALLY EXPLICIT VIDEO GAMES TO PERSONS UNDER THE AGE OF EIGHTEEN. A video game rating system, created by the Entertainment Software Rating Board, is available at the checkout counter to aid in the selection of a game."

Proposed law provides that noncompliance by the video game retailer regarding the labeling of violent or sexually explicit video games and noncompliance regarding posting the warning sign shall be deemed a violation by the owner of the establishment and subject the owner to a fine of not more than $500 for the first offense and not more than $1,000 for each additional offense.

Proposed law defines "sexually explicit video game" as follows:

(1) Video games that the average person, applying contemporary community standards would find, with respect to minors, is designed to appeal or pander to the prurient interest and depicts or represents in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act or a lewd exhibition of genitals or post-pubescent female breasts.

(2) Video games which are rated "AO" for "Adults Only" by the Entertainment Software Rating Board for its sexually explicit content.

Proposed law defines violent video games as follows:

(1) Video games which include realistic depictions of human on human violence in which the player of the video game kills, seriously injures, or otherwise causes physical harm to another human, including but not limited to depictions of death, dismemberment, amputation, maiming, disfigurement, mutilation of body parts, or rape.

(2) Video games that are rated "AO" for "Adults Only" by the Entertainment Software Rating Board for its violent content.

Proposed law provides that if any provision or paragraph of this law is held invalid or suspended, such invalidity or suspension shall not affect other provisions or paragraphs of the law.

(Adds R.S. 14:91.2)