

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1509 Session of
1999

INTRODUCED BY DALEY, GANNON, BLAUM, ORIE, BROWNE, HANNA, CLARK,
ROBINSON, SHANER, WALKO, HARHAI, PETRARCA, DERMODY, ROBERTS,
MAYERNIK AND TRICH, MAY 12, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MAY 12, 1999

AN ACT

1 Requiring rating of video games; conferring powers and duties on
2 the Pennsylvania Commission on Crime and Delinquency;
3 establishing the Video Game Rating Panel and the School
4 Violence Fund; prohibiting access by minors to video games
5 rated as obscene or excessively violent; imposing penalties;
6 and making an appropriation.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Video Game
11 Rating Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Commission." The Pennsylvania Commission on Crime and
17 Delinquency.

18 "Fund." The School Violence Fund established in section 5.

19 "Panel." The Video Game Rating Panel established in section

1 4.

2 "Rating team." The panel members who do the rating under
3 section 6.

4 "Unrated video game." A video game which does not have a
5 rating under section 6.

6 "Video game." An electronic game played by means of images
7 on a screen.

8 "Video game merchant." A person that engages in the business
9 of:

10 (1) selling video games;

11 (2) renting video games; or

12 (3) permitting the use of video games on the person's
13 premises.

14 Section 3. Commission.

15 The commission has the following powers and duties:

16 (1) Implement section 4(e).

17 (2) Administer the fund under section 5(e).

18 (3) Prosecute violations under section 7.

19 (4) Promulgate regulations to administer sections 4,
20 5(c)(1) and 6.

21 Section 4. Panel.

22 (a) Establishment.--The Video Game Rating Panel is
23 established within the commission. The panel shall consist of
24 100 individuals selected by the commission as representative of
25 the general citizenry of this Commonwealth in terms of age,
26 gender, race, religion, residence and occupation.

27 (b) Term.--

28 (1) A member of the panel shall serve a term of two
29 years. A member may be removed by the commission for cause.

30 (2) No individual may be appointed as a member for a

1 second time.

2 (3) If a vacancy occurs on the panel, the replacement
3 shall serve the remainder of the term.

4 (c) Function.--The panel has the power and duty to rate
5 video games in accordance with section 6.

6 (d) Compensation.--Members of the panel shall serve without
7 compensation but shall be entitled to reasonable and necessary
8 expenses incurred in the discharge of their functions.

9 (e) Support.--The commission shall provide the panel with
10 staff, supplies, equipment and facilities.

11 Section 5. Fund.

12 (a) Establishment.--The School Violence Fund is established
13 as a separate fund in the State Treasury.

14 (b) Source.--The following are the sources of the fund:

15 (1) Appropriations.

16 (2) Fines under section 7(d).

17 (c) Purpose.--The following are the purposes of the fund:

18 (1) To prevent and combat violence in public, private
19 and parochial schools.

20 (2) To administer this act.

21 (d) Continuing appropriation.--The money in the fund is
22 continuously appropriated to the fund. This appropriation shall
23 not lapse at the end of any fiscal year.

24 (e) Administration.--The commission shall administer the
25 fund.

26 Section 6. Ratings.

27 (a) Options.--A video game submitted to the panel shall be
28 assigned to a rating team of three panel members for one of the
29 following ratings:

30 (1) Acceptable for general audience.

1 (2) Acceptable only for adult audience.

2 (b) Criteria.--In order for a video game to be rated under
3 subsection (a)(2), the rating team must, applying Statewide
4 standards, determine that the video game meets one of the
5 following criteria:

6 (1) Contains material which:

7 (i) appeals to the prurient interest in sex;

8 (ii) depicts in a patently offensive way sexual
9 conduct described in 18 Pa.C.S. § 5903 (relating to
10 obscene and other sexual materials and performances); and

11 (iii) lacks serious literary, artistic, political,
12 educational or scientific value.

13 (2) Contains material which:

14 (i) depicts violence in a graphic manner; and

15 (ii) lacks serious literary, artistic, political,
16 educational or scientific value.

17 (c) Procedure.--

18 (1) A determination of the rating team under subsection
19 (a)(1) is final and not subject to appeal.

20 (2) A person aggrieved by a determination by the rating
21 team under subsection (a)(2) may appeal the determination to
22 the commission. The appeal must be made in 30 days, or the
23 determination becomes final.

24 (3) Within 60 days of the filing of an appeal under
25 paragraph (2), the commission shall, after notice and
26 hearing:

27 (i) affirm the determination; or

28 (ii) reverse the determination by ordering a
29 determination under subsection (a)(1).

30 (4) Failure of the commission to act within the time

1 period specified in paragraph (3) shall be deemed reversal of
2 the determination.

3 (d) Administrative agency law.--A determination under
4 subsection (c)(3) is subject to 2 Pa.C.S. Ch. 5 Subch. A
5 (relating to practice and procedure of Commonwealth agencies)
6 and Ch. 7 Subch. A (relating to judicial review of Commonwealth
7 agency action).

8 Section 7. Prohibitions.

9 (a) Video game merchants.--A video game merchant may not do
10 any of the following:

11 (1) Display, sell, rent or permit the use of an unrated
12 video game.

13 (2) Knowingly sell or rent a video game rated under
14 section 6(a)(2) to an individual under 18 years of age.

15 (3) Knowingly permit the use of a video game rated under
16 section 6(a)(2) by an individual under 18 years of age.

17 (b) Other persons.--A person that is not a video game
18 merchant may not do any of the following:

19 (1) Sell or rent an unrated video game.

20 (2) Knowingly sell or rent a video game rated under
21 section 6(a)(2) to an individual under 18 years of age.

22 (3) Knowingly give to an individual under 18 years of
23 age an unrated video game or a video game rated under section
24 6(a)(2). This paragraph does not apply to an individual who
25 is the parent or legal guardian of the individual to whom the
26 video game is given.

27 (c) Grading.--

28 (1) Except as set forth in paragraph (2), a person that
29 violates subsection (a) or (b)(1) or (2) commits a
30 misdemeanor of the third degree.

1 (2) A person that, after being sentenced under paragraph
2 (1), violates subsection (a) or (b)(1) or (2) commits a
3 misdemeanor of the second degree.

4 (3) Except as set forth in paragraph (4), a person that
5 violates subsection (b)(3) commits a summary offense.

6 (4) A person that, after being sentenced under paragraph
7 (3), violates subsection (b)(3) commits a misdemeanor of the
8 third degree.

9 (d) Fines.--Fines imposed in criminal actions under this
10 section shall be deposited in the fund.

11 Section 8. Appropriation.

12 The sum of \$3,000,000 is hereby appropriated to the
13 Pennsylvania Commission on Crime and Delinquency for deposit
14 into the fund for the fiscal year July 1, 1999, to June 30,
15 2000, to carry out the provisions of this act. This
16 appropriation is subject to section 5(d).

17 Section 9. Effective date.

18 This act shall take effect as follows:

19 (1) This section shall take effect immediately.

20 (2) Section 7 shall take effect on the effective date of
21 the initial regulations promulgated under section 3(4).

22 (3) The remainder of this act shall take effect in 60
23 days.