

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1678 Session of
1999

INTRODUCED BY BISHOP, SEYFERT, LaGROTTA, GRUCELA, ARMSTRONG,
CORRIGAN, FRANKEL, GEIST, HALUSKA, HANNA, HORSEY, KIRKLAND,
LAUGHLIN, LEDERER, MELIO, PESCI, RAMOS, RUBLEY, READSHAW,
SOLOBAY, TIGUE, WALKO, WOJNAROSKI AND YOUNGBLOOD,
JUNE 15, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 15, 1999

AN ACT

1 Requiring warning labels on violent movies, music and games;
2 conferring powers and duties on the Pennsylvania Commission
3 on Crime and Delinquency; establishing a Violence Rating
4 Panel and a School Violence Fund; imposing penalties; and
5 making an appropriation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Violent
10 Entertainment Warning Label Act.

11 Section 2. Definitions.

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

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

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

18 "Panel." The Violence Rating Panel established in section 4.

1 "Rating team." Panel members who rate movies, movie
2 advertisements, video games, arcade games and music under
3 section 6.

4 "Warning label." A label or writing which is securely
5 attached to or made part of a movie, movie advertisement, video
6 game, arcade game or item of music merchandise and which
7 contains the following language in very large, easily readable,
8 capitalized print:

9 WARNING: CONTAINS VIOLENT SCENES OR IMAGES. IT IS BEEN
10 DEMONSTRATED THAT VIEWING OR LISTENING TO SUCH MATERIAL
11 CAN CAUSE OR CONTRIBUTE TO ACTUAL VIOLENCE RESULTING IN
12 DEATH OR INJURY TO ONESELF OR OTHERS.

13 Section 3. Commission.

14 The commission shall have the following powers and duties:

- 15 (1) Implement section 4(e).
16 (2) Administer the fund pursuant to section 5(e).
17 (3) Prosecute violations under section 7.
18 (4) Promulgate regulations to administer sections 4,
19 5(c)(1) and 6.

20 Section 4. Panel.

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

26 (b) Term.--

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

29 (2) No individual may be appointed as a member for a
30 second time.

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

3 (c) Function.--The panel has the power and duty to rate
4 movies, movie advertisements, video games, arcade games and
5 music 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 discharging 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.--A School Violence Fund is hereby
13 established as a separate fund in the State Treasury.

14 (b) Source.--The following shall be the sources of revenues
15 for the fund:

16 (1) Appropriations.

17 (2) Fines imposed for violations of section 7.

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

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

21 (2) To provide financial resources for administering
22 this act.

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

26 (e) Administration.--The commission shall administer the
27 fund.

28 Section 6. Ratings.

29 (a) Options.--A movie, movie advertisement, video game,
30 arcade game or musical item submitted to the panel shall be

1 assigned to a rating team of three panel members for one of the
2 following ratings:

3 (1) Contains violent content requiring a warning label.

4 (2) Does not contain violent content requiring a warning
5 label.

6 (b) Criteria.--In order for an item to be rated under
7 subsection (a)(2), the rating team must, applying Statewide
8 standards, determine that the item contains material which
9 depicts violence in a graphic manner.

10 (c) Procedure.--

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

13 (2) A person aggrieved by a determination by the rating
14 team under subsection (a)(2) may appeal the determination to
15 the commission. The appeal must be made in 30 days, or the
16 right to appeal is waived.

17 (3) Within 60 days of the filing of an appeal under
18 paragraph (2), the commission, after notice and hearing,
19 shall:

20 (i) affirm the determination; or

21 (ii) reverse the determination by ordering a
22 determination under subsection (a)(1).

23 (4) Failure of the commission to act within the time
24 period specified in paragraph (3) shall be deemed reversal of
25 the determination.

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

1 Section 7. Prohibitions.

2 (a) Merchants.--A merchant may not do any of the following:

3 (1) Display, sell, rent or permit the use of an unrated
4 movie, movie advertisement, video game, arcade game or music
5 item.

6 (2) Knowingly sell, rent or permit the use of a movie,
7 video game, arcade game or music which has been rated violent
8 under section 6(a)(1) without a warning label.

9 (b) Summary offense.--Except as set forth in subsection (c),
10 a person who violates subsection (a) commits a summary offense.

11 (c) Misdemeanor.--A person who, after being sentenced under
12 subsection (b), violates subsection (a) commits a misdemeanor of
13 the third degree.

14 (d) Disposition of fines.--Fines imposed under this section
15 shall be deposited in the fund.

16 Section 8. Appropriation.

17 The sum of \$2,000,000 is appropriated to the Pennsylvania
18 Commission on Crime and Delinquency for deposit into the fund
19 for the fiscal year July 1, 1999, to June 30, 2000, to carry out
20 the provisions of this act. This appropriation is subject to
21 section 5(d).

22 Section 9. Effective date.

23 This act shall take effect as follows:

24 (1) This section shall take effect immediately.

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

27 (3) The remainder of this act shall take effect in 60
28 days.