
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1986 Session of
2005

INTRODUCED BY LaGROTTA, ARMSTRONG, BAKER, BALDWIN, BEBKO-JONES,
BISHOP, BROWNE, CALTAGIRONE, CASORIO, CORRIGAN, CRAHALLA,
CREIGHTON, DeLUCA, DENLINGER, DONATUCCI, GEIST, GEORGE,
GERBER, GILLESPIE, GOODMAN, GRUCELA, HARHAI, HERSHEY, JAMES,
KAUFFMAN, KENNEY, LEDERER, MANN, MARKOSEK, McILHATTAN,
S. MILLER, READSHAW, SATHER, SCAVELLO, SIPTROTH, SHANER,
STABACK, SURRA, TANGRETTI, THOMAS, TIGUE, TRUE, TURZAI,
WALKO, WILT AND YOUNGBLOOD, SEPTEMBER 27, 2005

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 27, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of selling,
3 renting or furnishing restricted-age video or computer games
4 to persons who are under 17 years of age.

5 The General Assembly finds and declares as follows:

6 (1) Within the past 15 years, the video and computer
7 game market, particularly the use of home video and computer
8 game systems, has exploded throughout this Commonwealth and
9 the nation.

10 (2) Last year, United States sales of video games
11 totaled \$7.3 billion. For the past two years, the top-selling
12 game for the video game industry was Grand Theft Auto, a game
13 that awards points for stealing cars, killing police officers
14 and assaulting women.

15 (3) Today, our children have tremendous access to video
16 and computer games, not only at traditional retail outlets,

1 but also through magazine sales, video rental establishments,
2 gaming conventions and on the Internet.

3 (4) New technology and improvements to the picture,
4 speed and resolution of video and computer games have made
5 the depiction of characters, places and events contained in
6 the games overly realistic.

7 (5) The video and computer game industry, through the
8 Entertainment Software Rating Board (ESRB), has determined
9 that certain video and computer games contain mature sexual
10 themes, intense violence, strong language, graphic sexual and
11 violent depictions, graphic and realistic-looking depictions
12 of physical conflict, including blood, gore, weapons,
13 depictions of human injury and death, depictions of violent
14 sexual acts and graphic depictions of sexual behavior,
15 including nudity. These video games, including Grand Theft
16 Auto, have been rated by the ESRB with either an M for Mature
17 or AO for Adult Only.

18 (6) The video and computer game industry, through the
19 ESRB, has determined that video and computer games rated as M
20 and AO are not suitable for minors.

21 (7) The General Assembly recognizes that the ultra
22 violent and sexually explicit content of video and computer
23 games rated M and AO by the ESRB lack a serious literary,
24 artistic, political or scientific value for minors and
25 violate contemporary community standards for suitable action
26 and behavior.

27 (8) The General Assembly recognizes that violent crime,
28 especially among our youth, is a serious and persistent
29 problem in our society.

30 (9) The General Assembly further recognizes that, as

confirmed by scientific data, the repeated exposure to graphic violence and participation in violent interactive games may contribute to violent behavior by our youth and desensitizes them to acts of violence.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 6321. Sale, rental or furnishment of restricted-age video or computer games to persons who are under 17 years of age.

(a) Offense defined.--A person commits a summary offense if the person sells, rents or otherwise provides for use for a charge any restricted-age video or computer game to a person who is under 17 years of age.

(a.1) Purchase.--A person under 17 years of age is guilty of a summary offense if the person:

(1) Purchases or attempts to purchase a restricted-age video or computer game.

(2) Knowingly falsely represents himself to be at least 17 years of age to a person for the purpose of purchasing or receiving a restricted-age video game.

(b) Penalty.--

(1) In addition to any other penalty imposed pursuant to this title or other statute, a person that is convicted of a second or subsequent violation of subsection (a) commits a misdemeanor of the third degree and shall be sentenced to pay a fine of not more than \$500.

(2) A retailer that violates subsection (a) shall be sentenced as follows:

1 (i) For a first offense, to pay a fine of not less
2 than \$100 nor more than \$500.

3 (ii) For a second offense, to pay a fine of not less
4 than \$500 nor more than \$1,000.

5 (iii) For a third offense, to pay a fine of not less
6 than \$1,000 nor more than \$3,000.

7 (iv) For a fourth or subsequent offense, to pay a
8 fine of not less than \$3,000 nor more than \$5,000.

9 (c) Required listings.--A person or business offering any
10 restricted-age video or computer game for sale, loan or use
11 shall:

12 (1) Post not less than one warning sign, visible at all
13 times to customers, that includes the following:

14 No person under the age of 17 shall purchase or rent a
15 video game or computer game rated M for Mature or rated
16 RP for Rating Pending by the ESRB, and no person under
17 the age of 18 shall purchase or rent a video game or
18 computer game rated AO for Adults Only by the ESRB.

19 (2) Post no less than one written explanation, visible
20 at all times to customers, of the ESRB's ratings.

21 (3) Post written instruction, visible to employees and
22 any persons who might be involved in the sale or rental of
23 video and computer games, that includes the following:

24 You will be charged and prosecuted for summary offenses
25 if you sell, rent or otherwise provide for use any
26 restricted-age video or computer games to a person who is
27 under 17 years of age. You must check identification for
28 age verification purposes.

29 (d) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "ESRB." The Entertainment Software Rating Board, or any of
3 its successors, charged with rating the content of video or
4 computer games, a self-regulatory body established in 1994 by
5 the Entertainment Software Association, formerly the Interactive
6 Digital Software Association. The ESRB independently applies
7 ratings, advertising guidelines and online privacy principles
8 adopted by the video and computer game industry.

9 "ESRB ratings." The ratings scheme applied to video and
10 computer games by the ESRB. The ratings include:

11 (1) EC (Early Childhood): games suitable for persons
12 three years of age or older.

13 (2) E (Everyone): games suitable for persons six years
14 of age or older.

15 (3) T (Teen): games suitable for persons 13 years of age
16 or older.

17 (4) M (Mature): games suitable for persons 17 years of
18 age and older.

19 (5) AO (Adults Only): games suitable for persons 18
20 years of age or older.

21 (6) RP (Rating Pending): games submitted to the ESRB
22 that are awaiting an ESRB rating.

23 "Restricted-age video game." A video game rated as AO
24 (Adults Only) or M (Mature) by the Entertainment Software Rating
25 Board.

26 Section 2. This act shall take effect in 60 days.