

JAN 24 2006
STATE GOVERNMENT

HOUSE FILE 2104

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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting the sale or rental of violent or sexually
2 explicit video games to minors and providing for civil and
3 criminal penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2104

1 Section 1. NEW SECTION. 728A.1 DEFINITIONS.

2 1. "Employee" means an employee, contractor, manager, or
3 owner.

4 2. "Family member" means a parent, guardian, sibling,
5 grandparent, aunt, uncle, or first cousin.

6 3. "Serious physical injury" means depictions of death,
7 dismemberment, amputation, decapitation, maiming,
8 disfigurement, mutilation of body parts, or rape.

9 4. "Sexually explicit video game" means a video game that
10 the average person applying contemporary community standards
11 would find, with respect to minors, is designed to appeal or
12 pander to the prurient interest and depict or represent in a
13 manner patently offensive, with respect to minors, an actual
14 or simulated sexual act or sexual contact, an actual or
15 simulated normal or perverted sexual act, or lewd exhibitions
16 of the genitals or postpubescent female breast.

17 5. "Video game" means an object or device that stores
18 recorded data or instructions, receives data or instructions
19 generated by a person who uses the object or device, and by
20 processing the data or instructions, creates an interactive
21 game capable of being played, viewed, or experienced on or
22 through a computer, gaming system, console, or other
23 technology.

24 6. "Video game retailer" means a person, corporation,
25 partnership, or other business entity that is in the business
26 of selling or renting video games to the public.

27 7. "Violent video game" means a video game that depicts or
28 simulates violence against a person in which the player of the
29 video game simulates killing or causing serious physical
30 injury to another person.

31 Sec. 2. NEW SECTION. 728A.2 SALE OR RENTAL OF VIOLENT
32 VIDEO GAMES.

33 1. An employee shall not sell, rent, or permit to be sold
34 or rented, a violent video game to a minor.

35 2. An employee does not commit a violation of this section

1 if any of the following apply:

2 a. The employee is a family member of the minor.

3 b. The minor exhibited to the employee a draft card,
4 driver's license, birth certificate, or other official or
5 apparently official document purporting to establish that the
6 minor was eighteen years of age or older.

7 c. The video game sold or rented was prepackaged and rated
8 early childhood (EC), everyone (E), everyone ten and older
9 (E10+), or teen (T) by the entertainment software ratings
10 board.

11 3. An employee who commits a violation of this section
12 commits a simple misdemeanor.

13 Sec. 3. NEW SECTION. 728A.3 SALE OR RENTAL OF SEXUALLY
14 EXPLICIT VIDEO GAMES.

15 1. An employee shall not sell, rent, or permit to be sold
16 or rented, a sexually explicit video game to a minor.

17 2. An employee does not commit a violation of this section
18 if any of the following apply:

19 a. The employee is a family member of the minor.

20 b. The minor exhibited to the employee a draft card,
21 driver's license, birth certificate, or other official or
22 apparently official document purporting to establish that the
23 minor was eighteen years of age or older.

24 c. The video game sold or rented was prepackaged and rated
25 EC, E, E10+, or T by the entertainment software ratings board.

26 3. An employee who commits a violation of this section
27 commits a simple misdemeanor.

28 Sec. 4. NEW SECTION. 728A.4 VIDEO GAME RETAILER --
29 RESTRICTIONS.

30 1. A video game retailer shall label all violent video
31 games and sexually explicit video games to be sold by the
32 video game retailer with a solid white image depicting the
33 number "18" outlined in black. The image shall have
34 dimensions of no less than two inches by two inches. The
35 image shall be displayed on the front face of the violent

1 video game or sexually explicit video game.

2 2. A video game retailer who sells, rents, or permits to
3 be sold or rented any violent video game or sexually explicit
4 video game through use of an electronic scanner shall program
5 the electronic scanner to prompt the sales clerk to check the
6 identification of the customer before a sale or rental
7 transaction is completed.

8 3. A video game retailer shall not sell or rent, or permit
9 to be sold or rented, any violent video game or sexually
10 explicit video game through the use of a self-scanning
11 checkout mechanism.

12 4. A video game retailer who commits a violation of this
13 section shall be punished by a civil fine of five hundred
14 dollars.

15 EXPLANATION

16 This bill relates to the sale of violent or sexually
17 explicit video games.

18 The bill prohibits an employee from selling, renting, or
19 permitting the sale or rental of a violent or sexually
20 explicit video game to a minor. An employee who sells or
21 rents or permits the sale or rental of such a video game to a
22 minor commits a simple misdemeanor.

23 An employee does not commit a violation of the bill if the
24 employee is a family member of the minor, the minor exhibited
25 identification purporting to establish that the minor was 18
26 years of age or older, or the video game was prepackaged and
27 rated appropriate for a minor.

28 The bill defines "employee" to mean an employee,
29 contractor, manager, or owner.

30 The bill requires a video game retailer to label all
31 violent or sexually explicit video games with a solid white
32 image depicting the number "18" outlined in black. The bill
33 also requires a video game retailer who uses an electronic
34 purchase scanner to program the scanner to prompt the sales
35 clerk to check the identification of the customer before a

1 sale or rental transaction is completed. A video game
2 retailer also shall not sell or rent videos using a self-
3 scanning checkout mechanism. A video game retailer who
4 violates these provisions of the bill is subject to a \$500
5 civil fine.

6 The bill defines "violent video game" to mean a video game
7 that depicts or simulates violence against a person in which
8 the player of the video game simulates killing or causing
9 serious physical injury to another person.

10 The bill defines "sexually explicit video game" to mean a
11 video game that the average person applying contemporary
12 community standards would find, with respect to minors, is
13 designed to appeal or pander to the prurient interest and
14 depict or represent in a manner patently offensive, with
15 respect to minors, an actual or simulated sexual act or sexual
16 contact, an actual or simulated normal or perverted sexual
17 act, or lewd exhibitions of the genitals or postpubescent
18 female breast.

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