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BILL NUMBER AB 1179

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INTRODUCED BY Assembly Member Yee
(Coauthors: Assembly Members Coto, Leslie,
Levine, Mullin, and Vargas) (Coauthors:
Senators Florez and Kuehl)

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An act to add Title 1.2A (commencing with
Section 1746) to Part 4 of Division 3 of the Civil
Code, relating to violent video games.

LEGISLATIVE COUNSEL'S DIGEST

AB 1179, Yee Violent video games: sales to
minors.

Existing law regulates the sale of certain
merchandise, such as political items and sports
memorabilia. This bill would require violent video
games to be labeled as specified and would
prohibit the sale or rental of those violent video
games, as defined, to minors. The bill would
provide that a person who violates the act shall
be liable in an amount of up to \$1,000 for each
violation.

THE PEOPLE OF THE STATE OF
CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares
all of the following:

(a) Exposing minors to depictions of violence in
video games, including sexual and heinous
violence, makes those minors more likely to
experience feelings of aggression, to experience
a reduction of activity in the frontal lobes of the
brain, and to exhibit violent antisocial or
aggressive behavior.

(b) Even minors who do not commit acts of
violence suffer psychological harm from
prolonged exposure to violent video games.

(c) The state has a compelling interest in
preventing violent, aggressive, and antisocial
behavior, and in preventing psychological
or neurological harm to minors who play violent
video games.

SEC. 2. Title 1.2A (commencing with Section
1746) is added to Part 4 of Division 3 of the Civil
Code, to read:

TITLE 1.2A. VIOLENT VIDEO GAMES

1746. For purposes of this title, the following
definitions shall apply:

(a) "Minor" means any natural person who is
under 18 years of age.

(b) "Person" means any natural person,
partnership, firm, association, corporation,
limited liability company, or other legal entity.

(c) "Video game" means any electronic
amusement device that utilizes a computer,
microprocessor, or similar electronic circuitry
and its own monitor, or is designed to be used
with a television set or a computer monitor, that
interacts with the user of the device.

(d) (1) "Violent video game" means a video
game in which the range of options available to
a player includes killing, maiming,
dismembering, or sexually assaulting an image
of a human being, if those acts are depicted in
the game in a manner that does either of the
following:

(A) Comes within all of the following
descriptions:

(i) A reasonable person, considering the game
as a whole, would find appeals to a deviant or
morbid interest of minors.

(ii) It is patently offensive to prevailing standards
in the community as to what is suitable for
minors.

(iii) It causes the game, as a whole, to lack
serious literary, artistic, political, or scientific
value for minors.

(B) Enables the player to virtually inflict serious
injury upon images of human beings or
characters with substantially human
characteristics in a manner which is especially
heinous, cruel, or depraved in that it involves
torture or serious physical abuse to the victim.

(2) For purposes of this subdivision, the
following definitions

apply:
(A) "Cruel" means that the player intends to
virtually inflict a high degree of pain by torture or

serious physical abuse of the victim in addition to killing the victim.

(B) "Depraved" means that the player relishes the virtual killing or shows indifference to the suffering of the victim, as evidenced by torture or serious physical abuse of the victim.

(C) "Heinous" means shockingly atrocious. For the killing depicted in a video game to be heinous, it must involve additional acts of torture or serious physical abuse of the victim as set apart from other killings.

(D) "Serious physical abuse" means a significant or considerable amount of injury or damage to the victim's body which involves a substantial risk of death, unconsciousness, extreme physical pain, substantial disfigurement, or substantial impairment of the function of a bodily member, organ, or mental faculty. Serious physical abuse, unlike torture, does not require that the victim be conscious of the abuse at the time it is inflicted. However, the player must specifically intend the abuse apart from the killing.

(E) "Torture" includes mental as well as physical abuse of the victim. In either case, the virtual victim must be conscious of the abuse at the time it is inflicted; and the player must specifically intend to virtually inflict severe mental or physical pain or suffering upon the victim, apart from killing the victim.

(3) Pertinent factors in determining whether a killing depicted in a video game is especially heinous, cruel, or depraved include infliction of gratuitous violence upon the victim beyond that necessary to commit the killing, needless mutilation of the victim's body, and helplessness of the victim.

1746.1. (a) A person may not sell or rent a video game that has been labeled as a violent video game to a minor

(b) Proof that a defendant, or his or her employee or agent, demanded, was shown, and reasonably relied upon evidence that a purchaser or renter of a violent video game was not a minor or that the manufacturer failed to label a violent video game as required pursuant to Section 1746.2 shall be an affirmative defense to any action brought pursuant to this title. That evidence may include, but is not limited to, a driver's license or an identification card issued to the purchaser or renter by a state or by the Armed Forces of the United States.

(c) This section shall not apply if the violent video game is sold or rented to a minor by the minor's parent, grandparent, aunt, uncle, or legal guardian.

1746.2. Each violent video game that is imported into or distributed in California for retail sale shall be labeled with a

solid white "18" outlined in black. The "18" shall have dimensions of no less than 2 inches by 2 inches. The "18" shall be displayed on the front face of the video game package.

1746.3. Any person who violates any provision of this title shall be liable in an amount of up to one thousand dollars (\$1,000), or a lesser amount as determined by the court. However, this liability shall not apply to any person who violates those provisions if he or she is employed solely in the capacity of a salesclerk or other, similar position and he or she does not have an ownership interest in the business in which the violation occurred and is not employed as a manager in that business.

1746.4. A suspected violation of this title may be reported to a city attorney, county counsel, or district attorney by a parent, legal guardian, or other adult acting on behalf of a minor to whom a violent video game has been sold or rented. A violation of this title may be prosecuted by any city attorney, county counsel, or district attorney.

1746.5. The provisions of this title are severable. If any provision of this title or its application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.