

108TH CONGRESS
1ST SESSION

H. R. 669

To amend title 18, United States Code, to prohibit the sale or rental of adult video games to minors.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2003

Mr. BACA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the sale or rental of adult video games to minors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Children from
5 Video Game Sex and Violence Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The video game industry has grown into a
9 \$10 billion market for game software publishing,
10 wholesaling, and retailing.

1 (2) The use and observation of video games
2 that contain sexual or violent content can be harm-
3 ful to minors and reasonable restrictions will signifi-
4 cantly decrease the number of minors using these
5 games.

6 (3) On July 26, 2000, six of the Nation’s most
7 respected public health groups, including the Amer-
8 ican Medical Association, the American Academy of
9 Pediatrics, the American Academy of Family Physi-
10 cians, and the American Academy of Child and Ado-
11 lescent Psychiatry, found that viewing entertainment
12 violence can lead to increases in aggressive attitudes,
13 behaviors, and values, particularly in children.

14 (4) The ratings and content descriptors of video
15 and computer games issued by the entertainment in-
16 dustry reflect the notion that certain video and com-
17 puter games are suitable only for adults due to
18 graphic depictions of sex or violence.

19 (5) In December 2001, a study by the Federal
20 Trade Commission showed that retailers allowed 78
21 percent of unaccompanied minors, ages 13 to 16, to
22 purchase games rated as “Mature” by the Enter-
23 tainment Software Rating Board.

24 (6) The sale of video games and computer
25 games substantially affects interstate commerce be-

1 cause they are sold in interstate commerce on a na-
2 tionwide basis.

3 (7) The Nation has a compelling interest in
4 preventing minors from purchasing video and com-
5 puter games that are only suitable for adults due to
6 graphic depictions of sex or violence.

7 (8) There is a need to enact narrowly tailored
8 legislation to restrict the sale and use of video games
9 that contain sexual or violent content that is in-
10 tended for adults only, and that such legislation not
11 restrict adults' access to these games.

12 **SEC. 3. PROHIBITION ON SALE OR RENTAL OF ADULT**
13 **VIDEO GAMES TO MINORS.**

14 (a) IN GENERAL.—Part 1 of title 18, United States
15 Code, is amended by adding at the end the following new
16 chapter:

17 **“CHAPTER 124—PROHIBITION ON SALE OR**
18 **RENTAL OF ADULT VIDEO GAMES TO**
19 **MINORS**

20 **“§ 2731. Definitions**

21 “As used in this chapter, the following definitions
22 apply:

23 “(1) The term ‘graphic violence’ means the vis-
24 ual depiction of serious injury to human beings, ac-

1 tual or virtual, including aggravated assault, decapi-
2 tation, dismemberment, or death.

3 “(2) The term ‘content harmful to minors’
4 means video game content that predominantly ap-
5 peals to minors’ morbid interest in violence or mi-
6 nors’ prurient interest in sex, is patently offensive to
7 prevailing standards in the adult community as a
8 whole with respect to what is suitable material for
9 minors, and lacks serious literary, artistic, political,
10 or scientific value for minors, and contains—

11 “(A) graphic violence;

12 “(B) sexual violence; or

13 “(C) strong sexual content.

14 “(3) The term ‘minor’ means a person age 17
15 and younger.

16 “(4) The term ‘nudity’ means the visual depic-
17 tion, actual or virtual, of the human male or female
18 genitals, pubic area or buttocks with less than a
19 fully opaque covering, of a female breast with less
20 than a fully opaque covering of any part of the nip-
21 ple or of any portion of the breast below the nipple,
22 or the depiction of covered male genitals in a dis-
23 cernibly turgid state.

24 “(5) The term ‘sexual conduct’ means acts, ac-
25 tual or virtual, of masturbation, sexual intercourse,

1 or physical contact with a person’s clothed or
2 unclothed genitals, pubic area, buttocks or, if such
3 person be a female, a breast.

4 “(6) The term ‘strong sexual content’ means
5 the visual depiction, actual or virtual, of human nu-
6 dity or explicit human sexual behavior, including
7 acts of masturbation, deviate sexual conduct, sexual
8 intercourse, or fondling of genitals.

9 “(7) The term ‘sexual violence’ means the vis-
10 ual depiction, actual or virtual, of rape or other sex-
11 ual assault.

12 “(8) The term ‘video game’ means any copy of
13 an electronic game that may be played using a port-
14 able electronic device or with a hand-held gaming de-
15 vice using a television or computer.

16 **“§ 2732. Prohibition on sale or rental of adult video**
17 **games to minors**

18 “Whoever sells at retail or rents, or attempts to sell
19 at retail or rent, to a minor any video game that depicts
20 nudity, sexual conduct, or other content harmful to mi-
21 nors, shall be fined under this chapter.

22 **“§ 2733. Penalties**

23 “(a) FIRST VIOLATION.—Whoever knowingly violates
24 section 2732 shall be fined not more than \$1,000.

1 “(b) SECOND VIOLATION.—Whoever knowingly vio-
 2 lates section 2732, having previously been fined under
 3 subsection (a), shall be fined not less than \$1,000 and
 4 not more than \$5,000.

5 “(c) SUBSEQUENT VIOLATIONS.—Whoever knowingly
 6 violates section 2732, having previously been fined under
 7 subsection (b), shall be fined not less than \$5,000.”.

8 (b) CLERICAL AMENDMENT.—The table of chapters
 9 at the beginning of part I of title 18, United States Code,
 10 is amended by adding at the end the following new item:

**“124. Prohibition on sale or rental of adult video games
 to minors 2731”.**

○