

103D CONGRESS
1ST SESSION

S. 943

To protect children from the physical and mental harm resulting from violence contained in television programs.

IN THE SENATE OF THE UNITED STATES

MAY 12 (legislative day, APRIL 19), 1993

Mr. DURENBERGER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect children from the physical and mental harm resulting from violence contained in television programs.

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 “Children’s Television
5 Violence Protection Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) The term “violence” means any action that
9 has as an element the use or threatened use of phys-
10 ical force against the person of another, or against

1 one’s self, with intent to cause bodily harm to such
2 person or one’s self. For purposes of this Act, an ac-
3 tion may involve violence regardless of whether or
4 not such action or threat of action occurs in a realis-
5 tic or serious context or in a humorous or cartoon
6 type context.

7 (2) The term “programming” includes cartoons.

8 (3) The term “child” or “children” means any
9 individual or individuals under 18 years of age.

10 (4) The term “person” shall have the same
11 meaning given that term under section 602(14) of
12 the Communications Act of 1934 (47 U.S.C.
13 522(14)).

14 (5) The term “cable operator” shall have the
15 same meaning given that term under section 602(4)
16 of the Communications Act of 1934 (47 U.S.C.
17 522(4)).

18 (6) The term “cable service” shall have the
19 same meaning given that term under section 602(5)
20 of the Communications Act of 1934 (47 U.S.C.
21 522(5)).

22 (7) The term “television broadcast licensee”
23 means a “licensee” as defined in section 3(c) of the
24 Communications Act of 1934 (47 U.S.C. 153(c)) au-

1 thorized to engage in television broadcasting, includ-
2 ing independent television broadcasting.

3 (8) The term “franchising authority” shall have
4 the same meaning given that term under section
5 602(10) of the Communications Act of 1934 (47
6 U.S.C. 522(10)).

7 **SEC. 3. RULEMAKING REQUIRED.**

8 (a) STANDARDS.—The Federal Communications
9 Commission shall, within 30 days after the date of the
10 enactment of this section, initiate a rulemaking proceeding
11 to prescribe standards applicable to television broadcast
12 licensees, and cable operators providing cable service
13 under a franchise granted by a franchising authority, re-
14 quiring such television broadcast licensees and cable oper-
15 ators, including cable programmers, in connection with the
16 broadcasting of any video programming which may con-
17 tain violence, or unsafe gun practices, to require a video
18 and audio warning at the time of such broadcast to the
19 effect that such programming may contain violence, or un-
20 safe gun practices, and may adversely affect the mental
21 or physical health, or both, of a child, and may, if the
22 events portrayed in such programming occur in real life,
23 warrant the imposition of criminal penalties.

24 (b) CONTENTS OF STANDARDS.—Standards required
25 by subsection (a) shall require:

1 (1) Broadcast television licensees, and cable op-
2 erators, including cable programmers, to include, at
3 the beginning of the programming, and at other ap-
4 propriate times during such programming, a warn-
5 ing label, with an audio voice over, to the effect that
6 the programming may contain violence, or unsafe
7 gun practices, and may adversely affect the mental
8 or physical health, or both, of a child, and may, if
9 the events portrayed in such programming occur in
10 real life, warrant the imposition of criminal pen-
11 alties.

12 (2) Public notice to assist interested persons in
13 identifying programming which may contain vio-
14 lence, or unsafe gun practices.

15 (c) FINAL STANDARDS.—The Commission shall,
16 within 150 days following the date of the enactment of
17 this Act, prescribe final standards in accordance with this
18 section.

19 (d) EXCEPTION.—The provisions of subsection (a)
20 shall not apply to any programming broadcast, in any time
21 zone, during the period commencing at 11:00 P.M. and
22 ending at 6:00 A.M.

23 **SEC. 4. VIOLATIONS.**

24 (a) VIOLATIONS.—If a person violates any rule or
25 regulation issued or promulgated pursuant to section 3,

1 the Federal Communications Commission may, after no-
2 tice and opportunity for hearing, impose on the person a
3 civil fine of not more than \$5,000. For purposes of this
4 subsection, each day of violation constitutes a separate
5 violation.

6 (b) INTENTIONAL VIOLATIONS.—If a person inten-
7 tionally violates any rule or regulation issued or promul-
8 gated pursuant to section 3, the Federal Communications
9 Commission shall, after notice and opportunity for hear-
10 ing, impose on the person a civil fine of not less than
11 \$10,000 or more than \$25,000. For purposes of this
12 subsection, each day of violation constitutes a separate
13 violation.

14 **SEC. 5. EXCEPTIONS FOR CERTAIN VIDEO PROGRAMMING.**

15 The Federal Communications Commission may ex-
16 empt, as public interest requires, certain video program-
17 ming from the requirements of section 3, including news
18 broadcasts, sporting events, educational programming and
19 documentaries.

20 **SEC. 6. CONSIDERATION OF VIOLATIONS IN BROADCAST LI-**
21 **CENSE RENEWAL.**

22 The Federal Communications Commission shall con-
23 sider, among the elements in its review of an application
24 for renewal of a television broadcast license, including an
25 independent television broadcaster, whether the licensee

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- 1 has complied with the standards required to be prescribed
- 2 under section 3 of this Act.

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