

107TH CONGRESS  
2D SESSION

# H. R. 4645

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2002

Mr. BACA (for himself, Mr. TURNER, Mr. SERRANO, Mr. SHIMKUS, Mrs. NAPOLITANO, Mr. HOYER, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. SOLIS, Mr. MENENDEZ, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. ACEVEDO-VILÁ, Mr. UNDERWOOD, Mr. ORTIZ, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mr. GREEN of Texas, Mr. OWENS, Mr. HONDA, Mr. PHELPS, and Mr. BAIRD) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The video game industry has grown into a  
2           \$9,300,000,000 market for game software pub-  
3           lishing, wholesaling, and retailing, and is growing at  
4           a rate of 15 percent per year.

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

10          (3) The ratings and content descriptors of video  
11          and computer games issued by the entertainment  
12          software industry reflect the notion that certain  
13          video and computer games are suitable only for  
14          adults due to graphic depictions of sex or violence.

15          (4) In December 2001, a study by the Federal  
16          Trade Commission showed that retailers allowed 78  
17          percent of unaccompanied minors, ages 13 to 16, to  
18          purchase video games rated as “Mature” by the En-  
19          tertainment Software Rating Board.

20          (5) The sale of video and computer games sub-  
21          stantially affects interstate commerce because they  
22          are sold in interstate commerce on a nationwide  
23          basis.

24          (6) Congress recognizes that the Nation has a  
25          compelling interest in preventing minors from pur-

1 chasing video and computer games that are only  
2 suitable for adults due to graphic depictions of sex  
3 or violence.

4 (7) There is a need to enact narrowly tailored  
5 legislation to prevent the sale to and use by minors  
6 of video games that contain sexual or violent content  
7 that is intended for adults only.

8 **SEC. 3. PROHIBITION ON SALE OR RENTAL OF ADULT**  
9 **VIDEO GAMES TO MINOR.**

10 (a) IN GENERAL.—Part I of title 18, United States  
11 Code, is amended by adding at the end the following new  
12 chapter:

13 **“CHAPTER 124—PROHIBITION ON SALE OR**  
14 **RENTAL OF ADULT VIDEO GAMES TO**  
15 **MINORS**

16 **“§ 2731. Definitions**

17 “As used in this Act—

18 “(1) the term ‘minor’ means a person age 17  
19 and younger; and

20 “(2) the term ‘video game’ means any copy of  
21 a video game that is meant for use in a stand-alone  
22 arcade or that may be played with a hand-held gam-  
23 ing device using a television or computer.

1   **“§ 2732. Prohibition on sale or rental of video games**  
2                   **to minors**

3           “Whoever sells at retail or rents, or attempts to sell  
4 at retail or rent, to a minor any video game that depicts—

5                   “(1) decapitation, amputation, dismemberment,  
6 or mutilation;

7                   “(2) the killing of human beings or human-like  
8 beings by the use of an object as a lethal weapon or  
9 hand-to-hand fighting;

10                  “(3) the car jacking of a vehicle;

11                  “(4) the use of illegal drugs;

12                  “(5) rape or other sexual assault;

13                  “(6) prostitution;

14                  “(7) aggravated assault or battery; or

15                  “(8) any other violent felony

16 “shall be fined under this chapter.

17   **“§ 2733. Penalties**

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

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

24           “(c) SUBSEQUENT VIOLATIONS.—Whoever knowingly  
25 violates section 2732, having previously been fined under

1 subsection (b), shall be fined not less than \$5,000 or be  
 2 imprisoned for not more than 90 days, or both.”.

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

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

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