

ARTICLE 12A.
VIOLENT VIDEO GAMES

15 (720 ILCS 5/12A-1 new)
16 Sec. 12A-1. Short title. This Article may be cited as the
17 Violent Video Games Law.

18 (720 ILCS 5/12A-5 new)
19 Sec. 12A-5. Findings.
20 (a) The General Assembly finds that minors who play violent
21 video games are more likely to:
22 (1) Exhibit violent, asocial, or aggressive behavior.
23 (2) Experience feelings of aggression.
24 (3) Experience a reduction of activity in the frontal
25 lobes of the brain which is responsible for controlling
26 behavior.
27 (b) While the video game industry has adopted its own
28 voluntary standards describing which games are appropriate for
29 minors, those standards are not adequately enforced.
30 (c) Minors are capable of purchasing and do purchase
31 violent video games.
32 (d) The State has a compelling interest in assisting
33 parents in protecting their minor children from violent video

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1 games.
2 (e) The State has a compelling interest in preventing
3 violent, aggressive, and asocial behavior.
4 (f) The State has a compelling interest in preventing
5 psychological harm to minors who play violent video games.
6 (g) The State has a compelling interest in eliminating any
7 societal factors that may inhibit the physiological and
8 neurological development of its youth.
9 (h) The State has a compelling interest in facilitating the
10 maturation of Illinois' children into law-abiding, productive
11 adults.

12 (720 ILCS 5/12A-10 new)
13 Sec. 12A-10. Definitions. For the purposes of this Article,
14 the following terms have the following meanings:
15 (a) "Video game retailer" means a person who sells or rents

16 video games to the public.
17 (b) "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 it, and, by processing the data
20 or instructions, creates an interactive game capable of being
21 played, viewed, or experienced on or through a computer, gaming
22 system, console, or other technology.
23 (c) "Minor" means a person under 18 years of age.
24 (d) "Person" includes but is not limited to an individual,
25 corporation, partnership, and association.
26 (e) "Violent" video games include depictions of or
27 simulations of human-on-human violence in which the player
28 kills or otherwise causes serious physical harm to another
29 human. "Serious physical harm" includes depictions of death,
30 dismemberment, amputation, decapitation, maiming,
31 disfigurement, mutilation of body parts, or rape.
32 (720 ILCS 5/12A-15 new)
33 Sec. 12A-15. Restricted sale or rental of violent video
34 games.

1 (a) A person who sells, rents, or permits to be sold or
2 rented, any violent video game to any minor, commits a petty
3 offense for which a fine of \$1,000 may be imposed.
4 (b) A person who sells, rents, or permits to be sold or
5 rented any violent video game via electronic scanner must
6 program the electronic scanner to prompt sales clerks to check
7 identification before the sale or rental transaction is
8 completed. A person who violates this subsection (b) commits a
9 petty offense for which a fine of \$1,000 may be imposed.
10 (c) A person may not sell or rent, or permit to be sold or
11 rented, any violent video game through a self-scanning checkout
12 mechanism. A person who violates this subsection (c) commits a
13 petty offense for which a fine of \$1,000 may be imposed.
14 (d) A retail sales clerk shall not be found in violation of
15 this Section unless he or she has complete knowledge that the
16 party to whom he or she sold or rented a violent video game was
17 a minor and the clerk sold or rented the video game to the
18 minor with the specific intent to do so.

19 (720 ILCS 5/12A-20 new)
20 Sec. 12A-20. Affirmative defenses. In any prosecution
21 arising under this Article, it is an affirmative defense:
22 (1) that the defendant was a family member of the minor for
23 whom the video game was purchased. "Family member" for the
24 purpose of this Section, includes a parent, sibling,
25 grandparent, aunt, uncle, or first cousin;
26 (2) that the minor who purchased the video game exhibited a
27 draft card, driver's license, birth certificate or other
28 official or apparently official document purporting to
29 establish that the minor was 18 years of age or older, which
30 the defendant reasonably relied on and reasonably believed to
31 be authentic;
32 (3) for the video game retailer, if the retail sales clerk
33 had complete knowledge that the party to whom he or she sold or
34 rented a violent video game was a minor and the clerk sold or
35 rented the video game to the minor with the specific intent to

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1 do so; or
2 (4) that the video game sold or rented was pre-packaged and
3 rated EC, E10+, E, or T by the Entertainment Software Ratings
4 Board.

5 (720 ILCS 5/12A-25 new)
6 Sec. 12A-25. Labeling of violent video games.
7 (a) Video game retailers shall label all violent video
8 games as defined in this Article, with a solid white "18"
9 outlined in black. The "18" shall have dimensions of no less
10 than 2 inches by 2 inches. The "18" shall be displayed on the
11 front face of the video game package.
12 (b) A retailer's failure to comply with this Section is a
13 petty offense punishable by a fine of \$500 for the first 3
14 violations, and \$1,000 for every subsequent violation.

15 (720 ILCS 5/Art. 12B heading new)

16 ARTICLE 12B.
SEXUALLY EXPLICIT VIDEO GAMES

17 (720 ILCS 5/12B-1 new)
18 Sec. 12B-1. Short title. This Article may be cited as the

19 Sexually Explicit Video Games Law.
20 (720 ILCS 5/12B-5 new)
21 Sec. 12B-5. Findings. The General Assembly finds sexually
22 explicit video games inappropriate for minors and that the
23 State has a compelling interest in assisting parents in
24 protecting their minor children from sexually explicit video
25 games.

26 (720 ILCS 5/12B-10 new)
27 Sec. 12B-10. Definitions. For the purposes of this Article,
28 the following terms have the following meanings:
29 (a) "Video game retailer" means a person who sells or rents
30 video games to the public.
31 (b) "Video game" means an object or device that stores

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1 recorded data or instructions, receives data or instructions
2 generated by a person who uses it, and, by processing the data
3 or instructions, creates an interactive game capable of being
4 played, viewed, or experienced on or through a computer, gaming
5 system, console, or other technology.

6 (c) "Minor" means a person under 18 years of age.

7 (d) "Person" includes but is not limited to an individual,
8 corporation, partnership, and association.

9 (e) "Sexually explicit" video games include those that the
10 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 or
14 simulated sexual act or sexual contact, an actual or simulated
15 normal or perverted sexual act or a lewd exhibition of the
16 genitals or post-pubescent female breast.

17 (720 ILCS 5/12B-15 new)

18 Sec. 12B-15. Restricted sale or rental of sexually explicit
19 video games.

20 (a) A person who sells, rents, or permits to be sold or
21 rented, any sexually explicit video game to any minor, commits
22 a petty offense for which a fine of \$1,000 may be imposed.

23 (b) A person who sells, rents, or permits to be sold or
24 rented any sexually explicit video game via electronic scanner

25 must program the electronic scanner to prompt sales clerks to
26 check identification before the sale or rental transaction is
27 completed. A person who violates this subsection (b) commits a
28 petty offense for which a fine of \$1,000 may be imposed.

29 (c) A person may not sell or rent, or permit to be sold or
30 rented, any sexually explicit video game through a
31 self-scanning checkout mechanism. A person who violates this
32 subsection (c) commits a petty offense for which a fine of
33 \$1,000 may be imposed.

34 (d) A retail sales clerk shall not be found in violation of
35 this Section unless he or she has complete knowledge that the

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1 party to whom he or she sold or rented a sexually explicit
2 video game was a minor and the clerk sold or rented the video
3 game to the minor with the specific intent to do so.

4 (720 ILCS 5/12B-20 new)

5 Sec. 12B-20. Affirmative defenses. In any prosecution
6 arising under this Article, it is an affirmative defense:

7 (1) that the defendant was a family member of the minor for
8 whom the video game was purchased. "Family member" for the
9 purpose of this Section, includes a parent, sibling,
10 grandparent, aunt, uncle, or first cousin;

11 (2) that the minor who purchased the video game exhibited a
12 draft card, driver's license, birth certificate or other
13 official or apparently official document purporting to
14 establish that the minor was 18 years of age or older, which
15 the defendant reasonably relied on and reasonably believed to
16 be authentic;

17 (3) for the video game retailer, if the retail sales clerk
18 had complete knowledge that the party to whom he or she sold or
19 rented a violent video game was a minor and the clerk sold or
20 rented the video game to the minor with the specific intent to
21 do so; or

22 (4) that the video game sold or rented was pre-packaged and
23 rated EC, E10+, E, or T by the Entertainment Software Ratings
24 Board.

25 (720 ILCS 5/12B-25 new)

26 Sec. 12B-25. Labeling of sexually explicit video games.

27 (a) Video game retailers shall label all sexually explicit
28 video games as defined in this Act, with a solid white "18"
29 outlined in black. The "18" shall have dimensions of no less
30 than 2 inches by 2 inches. The "18" shall be displayed on the
31 front face of the video game package.

32 (b) A retailer who fails to comply with this Section is
33 guilty of a petty offense punishable by a fine of \$500 for the
34 first 3 violations, and \$1,000 for every subsequent violation.

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1 (720 ILCS 5/12B-30 new)

2 Sec. 12B-30. Posting notification of video games rating
3 system.

4 (a) A retailer who sells or rents video games shall post a
5 sign that notifies customers that a video game rating system,
6 created by the Entertainment Software Ratings Board, is
7 available to aid in the selection of a game. The sign shall be
8 prominently posted in, or within 5 feet of, the area in which
9 games are displayed for sale or rental, at the information desk
10 if one exists, and at the point of purchase.

11 (b) The lettering of each sign shall be printed, at a
12 minimum, in 36-point type and shall be in black ink against a
13 light colored background, with dimensions of no less than 18 by
14 24 inches.

15 (c) A retailer's failure to comply with this Section is a
16 petty offense punishable by a fine of \$500 for the first 3
17 violations, and \$1,000 for every subsequent violation.

18 (720 ILCS 5/12B-35 new)

19 Sec. 12B-35. Availability of brochure describing rating
20 system.

21 (a) A video game retailer shall make available upon request
22 a brochure to customers that explains the Entertainment
23 Software Ratings Board ratings system.

24 (b) A retailer who fails to comply with this Section shall
25 receive the punishment described in subsection (b) of Section
26 12B-25.

27 Section 98. Severability. If any provision of this Act or
28 the application thereof to any person or circumstance is held
29 invalid, the remainder of this Act and the application of such

30 provision to other persons or circumstances shall not be
31 affected thereby.

32 Section 99. Effective Date. This Act takes effect January

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