

Regular Session, 2006

HOUSE BILL NO. 1381 (Substitute for House Bill No. 421 by Representative Burrell)

BY REPRESENTATIVES BURRELL, ALARIO, ALEXANDER, ARNOLD, BADON, BAUDOIN, BAYLOR, BEARD, BRUCE, BURNS, K. CARTER, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HOPKINS, HUTTER, JEFFERSON, KATZ, KENNEY, LABRUZZO, LAFLEUR, LAFONTA, MARTINY, MCDONALD, MCVEA, PIERRE, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, AND WHITE

CRIME: Provides for prohibited sales of video or computer games harmful to minors

1 AN ACT

2 To enact R.S. 14:91.14, relative to offenses affecting the health and morals of minors; to
3 provide with respect to the sale, exhibition, or distribution of material harmful to
4 minors; to provide for definitions; to create the crime of prohibited sales of computer
5 or video games to minors; to provide for definitions; to provide for penalties; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The legislature finds that children are the most precious resource of this
9 state and that they are worthy of special protection from their government. The laws of
10 Louisiana contain extensive provisions which afford children additional protection by
11 prohibiting them from voting, entering into marriage, purchasing or publicly possessing
12 alcoholic beverages, purchasing tobacco products, participating in gaming activities, entering
13 into contracts, and purchasing harmful materials. The legislature has also enacted wholly
14 distinct provisions for identifying children who are in need of care and establishing a means
15 to provide those children with appropriate services. These laws demonstrate Louisiana's

1 commitment to protect its citizens from physical, psychological, and financial harm during
2 the time in which they are particularly vulnerable due to their age and immaturity. In
3 enacting this Act, the Louisiana Legislature clearly demonstrates the state's compelling
4 governmental interest in protecting children and that it seeks to incorporate the extensive
5 protections otherwise afforded to minors in this state to the area of interactive video and
6 computer games.

7 Section 2. R.S. 14:91.14 is hereby enacted to read as follows:

8 §91.14. Prohibited sales of video or computer games to minors

9 A. An interactive video or computer game shall not be sold, leased, or rented
10 to a minor if the trier of fact determines all of the following:

11 (1) The average person, applying contemporary community standards, would
12 find that the video or computer game, taken as a whole, appeals to the minor's
13 morbid interest in violence.

14 (2) The game depicts violence in a manner patently offensive to prevailing
15 standards in the adult community with respect to what is suitable for minors.

16 (3) The game, taken as a whole, lacks serious literary, artistic, political, or
17 scientific value for minors.

18 B. For the purposes of this Section:

19 (1) "Interactive video or computer game" means an object or device that
20 stores recorded data or instructions, receives data or instructions generated by a
21 person who uses it and by processing the data or instructions, creates an interactive
22 game capable of being played or viewed on or through a computer, gaming system,
23 console, or other technology.

24 (2) "Computer" includes an electronic, magnetic, optical, or other high-speed
25 data processing device or system performing logical, arithmetic, and storage
26 functions and includes any property, data storage facility, or communications facility
27 directly related to or operating in conjunction with such device or system.

28 "Computer" shall not include an automated typewriter or typesetter, a machine
29 designed solely for word processing, or a portable hand-held calculator, nor shall

1 "computer" include any other device which might contain components similar to
 2 those in computers but in which the components have the sole function of controlling
 3 the device for the single purpose for which the device is intended.

4 (3) "Minor" means any person under the age of eighteen years.

5 C. Whoever is found guilty of violating the provisions of this Section shall
 6 be fined not less than one hundred dollars nor more than two thousand dollars or
 7 imprisoned, with or without hard labor, for not more than one year, or both.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Burrell

HB No. 1381

Abstract: Creates the crime of prohibited sale of video or computer games to minors.

Proposed law provides that an interactive video or computer game may not be sold, leased, or rented to a minor if the trier of fact determines all of the following:

- (1) The average person, applying contemporary community standards, would find that the video or computer game, taken as a whole, appeals to the minor's morbid interest in violence.
- (2) The game depicts violence in a manner patently offensive to prevailing standards in the adult community with respect to what is suitable for minors.
- (3) The game, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

Proposed law defines "interactive video or computer game", "computer", and "minor".

Proposed law provides for violations of a fine of not less than \$100 nor more than \$2,000, or imprisonment, with or without hard labor, for not more than one year, or both.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 14:91.14)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Adds provisions making proposed law applicable to leasing and renting interactive computer or video games.
2. Defines a "minor" as any person under the age of 18 years.