

By: Riddle

H.B. No. 1870

A BILL TO BE ENTITLED

AN ACT

relating to the rental or sale of adult video games; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 35, Business & Commerce Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. REGULATION OF RENTAL OR SALE OF ADULT VIDEO GAMES

Sec. 35.121. DEFINITIONS. In this subchapter:

(1) "Graphic violence" includes a depiction of:

(A) decapitation;

(B) bloodshed;

(C) dismemberment; or

(D) grotesque cruelty.

(2) "Minor" means a person younger than 18 years of age.

(3) "Strong sexual content" includes sexual conduct as defined by Section 43.25, Penal Code.

(4) "Video game" means a copy of a video game that is meant for use in a stand-alone arcade or that may be played with a gaming device using a television or computer.

Sec. 35.122. RATING SYSTEM FOR CONTENT OF VIDEO GAMES. The attorney general shall establish a rating system to provide consumer information regarding the content of video games. In establishing the rating system, the attorney general shall

1 determine and list which video games contain scenes or depictions
2 of graphic violence or strong sexual content. The office of the
3 attorney general shall provide the list on the office's Internet
4 website.

5 Sec. 35.123. SALE OR RENTAL OF ADULT VIDEO GAMES TO MINORS
6 PROHIBITED. (a) A person commits an offense if the person sells,
7 rents, or otherwise transfers to a minor for money or other
8 consideration a video game that contains scenes or depictions of
9 graphic violence or strong sexual content as determined by the
10 attorney general.

11 (b) An offense under this section is a Class B misdemeanor,
12 except that if it is shown on the trial of the offense that the
13 person has been convicted previously of an offense under this
14 section, the offense is a Class A misdemeanor.

15 Sec. 35.124. PROVIDING LIST OF ADULT VIDEO GAMES TO
16 CONSUMERS. (a) A business that offers a video game for sale,
17 rental, or exchange shall make available the most current list of
18 video games, as developed by the attorney general under Section
19 35.122, that contain scenes or depictions of graphic violence or
20 strong sexual content for the inspection and review by any
21 potential buyer, renter, transferee, or user of the video game.

22 (b) A person who violates this section commits an offense.
23 An offense under this section is a Class B misdemeanor, except that
24 if it is shown on the trial of the offense that the person has been
25 convicted previously of an offense under this section, the offense
26 is a Class A misdemeanor.

27 SECTION 2. (a) The attorney general shall develop the

1 rating system for video games required by Section 35.122, Business
2 & Commerce Code, as added by this Act, not later than January 1,
3 2004.

4 (b) Subchapter J, Chapter 35, Business & Commerce Code, as
5 added by this Act, applies only to an offense that occurs on or
6 after the date on which the attorney general first publishes the
7 list required by Section 35.122, Business & Commerce Code, as added
8 by this Act.

9 SECTION 3. This Act takes effect September 1, 2003.