

By: Goolsby

H.B. No. 866

A BILL TO BE ENTITLED

AN ACT

relating to the provision of a violent or sexually explicit video game to a minor; providing criminal penalties.

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

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

SUBCHAPTER L. REGULATION OF RENTAL OR SALE

OF ADULT VIDEO GAMES

Sec. 35.141. DEFINITIONS. In this subchapter:

(1) "Violent content" means a graphic and realistic depiction of physical conflict and 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) "Sexually explicit content" includes depiction of 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. 35.142. SALE OR RENTAL OF ADULT VIDEO GAMES TO MINORS PROHIBITED. (a) A person commits an offense if the person sells,

1 rents, or otherwise transfers to a minor for money or other  
2 consideration a video game that contains violent or sexually  
3 explicit content.

4 (b) An offense under this section is a Class B misdemeanor,  
5 except that if it is shown on the trial of the offense that the  
6 person has been convicted previously of an offense under this  
7 section, the offense is a Class A misdemeanor.

8 Sec. 35.143. PROVISION OF INFORMATION RELATING TO CONTENT  
9 OF VIDEO GAME. (a) In this section, "rating system" means a system  
10 of assigning a word, description, or symbol based on the content of  
11 a video game to inform a consumer about the content of a video game.

12 (b) A business that offers a video game for sale, rental, or  
13 exchange shall:

14 (1) include on the front of the video game's packaging  
15 a conspicuous warning if the video game contains violent or  
16 sexually explicit content; and

17 (2) post a sign visible by a person seeking to buy,  
18 rent, or otherwise acquire a video game from the business that  
19 explains the rating system or systems used to rate the video games  
20 sold, rented, or transferred by the business.

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

26 Sec. 35.144. COORDINATION AND INSPECTION BY ATTORNEY  
27 GENERAL. The attorney general may:

1           (1) assist state and local law enforcement agencies in  
2 coordinating the enforcement of this subchapter; and

3           (2) conduct inspections of the premises of a business  
4 that sells, rents, or transfers video games.

5           SECTION 2. This Act takes effect September 1, 2005.