

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2739

5 By: Representatives C. Taylor, Anderson, Bennett, Bledsoe, Borhauer, Creekmore, Dangeau, Fite,
6 Hardwick, Hutchinson, Mack, Nichols, Norton, Ormond, Parks, Roebuck, Rosenbaum, Schulte
7

For An Act To Be Entitled

10 AN ACT TO REGULATE A MINOR'S ACCESSIBILITY TO
11 VIDEO GAMES WITH VIOLENT OR SEXUAL CONTEXT; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO REGULATE A MINOR'S
16 ACCESSIBILITY TO VIDEO GAMES WITH
17 VIOLENT OR SEXUAL CONTEXT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 5, Chapter 68, is amended to add an
23 additional subchapter to read as follows:

24 5-68-601. Findings.

25 The General Assembly finds:

26 (1) Exposure of children to graphic and life-like violence contained
27 in some video games has been correlated to violent behavior;

28 (2) Medical studies have cited a link between prolonged playing of
29 violent video games and violent, antisocial, and otherwise harmful behavioral
30 patterns;

31 (3) Violence by and between children has become a severe threat to the
32 physical and emotional health of children;

33 (4) The State of Arkansas has a compelling interest in protecting the
34 physical and emotional health of children;

35 (5) Parents and guardians should have the power to control the types
36 of games their children play and to control their exposure to violent and



1 sexual materials; and

2 (6) Therefore, a minor’s accessibility to video games with violent or
3 sexual conduct should be restricted.

4
5 5-68-602. Definitions.

6 For the purposes of this subchapter:

7 (1) “Accompanied by a parent or legal guardian” means that the
8 purchaser or renter’s parent or legal guardian is physically present at the
9 time of the transaction or that the vendor has established an electronic or
10 manual system for preapproval of the purchase or rental of restricted video
11 games and the parent or legal guardian has preapproved the purchase or rental
12 of restricted video games by the minor;

13 (2) “Graphic violence” means the visual depiction or representation of
14 realistic serious injury to a human or human-like being if the serious injury
15 includes amputation, decapitation, dismemberment, bloodshed, mutilation,
16 maiming, or disfiguration;

17 (3) “Harmful to minors” means a video game that:

18 (A) Predominantly appeals to the morbid interest of minors in
19 violence or the prurient interest of minors in sex;

20 (B) Is patently offensive to the prevailing standards in the
21 adult community as a whole with respect to what is suitable material for
22 minors;

23 (C) Lacks serious literary, artistic, political, or scientific
24 value as a whole for minors, and

25 (D) Contains either graphic violence or strong sexual content;

26 (4) “Minor” means a person under seventeen years (17) of age;

27 (5) “Nudity” means visual depiction or representation of human male or
28 female genitals, pubic area, or buttocks with less than a fully opaque
29 covering, or of a female breast with less than a fully opaque covering of any
30 part of the nipple, or the showing of covered male genitals in a discernibly
31 turgid state; and

32 (6) “Strong sexual content” means the visual depiction or
33 representation of nudity or explicit human sexual behavior by any human or
34 human-like being in one (1) or more of the following forms:

35 (A) Masturbation;

36 (B) Deviate sexual conduct;

1 (C) Sexual intercourse; or

2 (D) Fondling of genitals.

3
4 5-68-603. Prohibition.

5 It is unlawful for any person or entity to knowingly sell or rent a
6 video game that is harmful to minors unless the minor is accompanied by a
7 parent or legal guardian who consents to the purchase or rental.

8
9 5-68-604. Presumption of video game contents.

10 There is a rebuttable presumption that video games rated:

11 (1) "M" or "AO" by the Entertainment Software Review are harmful to
12 minors;

13 (2) "T" by the Entertainment Software Review contain mild violence,
14 mild sexual content, or both, but no graphic violence or strong sexual
15 content; and

16 (3) "EC" or "E" by the Entertainment Software Review contain neither
17 mild or graphic violence, nor mild or strong sexual content.

18
19 5-68-605. Penalties.

20 Any person or entity that violates any provision of this act shall be
21 subject to a fine of not less than one thousand dollars (\$1,000) and not more
22 than twenty-five thousand dollars (\$25,000).