

2010 -- S 2156

LC00903

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES - ADULT RATED VIDEO GAME SALES

Introduced By: Senators Ciccone, Jabour, Lanzi, and McCaffrey

Date Introduced: February 04, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 69

4 ADULT RATED VIDEO GAMES SALES

5 **11-69-1. Definitions.** -- For the purposes of this section, the following definitions shall
6 apply:

7 (1) "Sales clerk" means any person who transacts the rental or sale of a video game with
8 the general public; and is not the owner, operator, or manager of a video game retailer.

9 (2) "Video game" means an object or device that:

10 (i) Stores recorded data or instructions; or

11 (ii) Receives data or instructions generated by a person; or

12 (iii) Processes the data or instructions to create an interactive game that may be played,
13 viewed, or experienced on a computer, a gaming system, a console, or other technology.

14 (3) "Video game retailer" means a person who sells or rents a video game to the general
15 public. The term does not include a sales clerk.

16 **11-69-2. Sales - Violations of chapter.** -- (a) A video game retailer who sells, rents, or
17 permits another person to sell or rent: a video game that was prepackaged and rated M by the
18 Entertainment Software Ratings Board to an individual less than seventeen (17) years of age or a
19 video game that was prepackaged and rated AO by the Entertainment Software Ratings Board to

1 an individual less than eighteen (18) years of age shall be guilty of a misdemeanor.

2 (b) A sales clerk who knowingly or intentionally sells or rents a violent or sexually
3 explicit video game to an individual less than eighteen (18) years of age, knowing that the
4 individual is less than eighteen (18) years of age, shall be guilty of a misdemeanor.

5 (c) Any person found guilty of sales as defined in this chapter shall be imprisoned for not
6 more than one year in jail and/or fined not more than one thousand dollars (\$1,000).

7 **11-69-3. Affirmative defenses.** -- (a) It is an affirmative defense to an action brought
8 under this chapter that:

9 (1) The person who sold, rented, or caused another person to sell or rent a violent or
10 sexually explicit video game to an individual less than eighteen (18) years of age is:

11 (i) A parent;

12 (ii) A grandparent;

13 (iii) A legal guardian of the individual; or,

14 (iv) Is a child less than eighteen (18) years of age who purchased or rented the adult rated
15 video game and offered a false identification card purporting to show that the individual was at
16 least eighteen (18) years of age, if the false identification card could reasonably be mistaken for a
17 valid identification card.

18 (b) It is an affirmative defense to an action brought against a video game retailer under
19 this chapter based on a sale or rental transacted by a sales clerk that the video game retailer was
20 unaware of the age of the individual at the time of the sale or rental.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would make it a misdemeanor to sell or rent any adult rated video games to a
2 person under the age of eighteen (18) years of age and also would create affirmative defenses.

3 This act would take effect upon passage.

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