
By: **Delegates Ross, Ramirez, Dwyer, Frush, Haddaway, Holmes, King, and
Simmons**

Introduced and read first time: February 7, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Video and Computer Games Rated "Mature" or "For Adults Only" -**
3 **Prohibition on Sale or Rental to Minor**

4 FOR the purpose of prohibiting a person from selling, offering to sell, or renting to a
5 minor a video or computer game that has been given a "Mature" or "For Adults
6 Only" rating by a certain rating system; establishing criminal penalties for
7 violation of this Act; providing for a certain affirmative defense to a charge of a
8 violation of this Act; defining certain terms; and generally relating to selling or
9 renting video and computer games to minors.

10 BY adding to

11 Article - Criminal Law

12 Section 11-108

13 Annotated Code of Maryland

14 (2002 Volume and 2004 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Law**

18 11-108.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "COMPUTER GAME" MEANS AN INTERACTIVE GAME OPERATED BY
22 SILICON-CHIP COMPUTER CIRCUITRY THAT PROVIDES A MEMORY.

23 (3) "ENTERTAINMENT SOFTWARE RATING BOARD" MEANS THE
24 INDEPENDENT RATING SYSTEM ESTABLISHED BY THE INTERACTIVE DIGITAL
25 SOFTWARE ASSOCIATION DEVELOPED TO PROVIDE CONSUMER INFORMATION
26 REGARDING THE CONTENT OF VIDEO AND COMPUTER GAMES.

1 (4) "OFFICIAL RATING" INCLUDES THE RATING OF THE
2 ENTERTAINMENT SOFTWARE RATING BOARD.

3 (5) "VIDEO GAME" MEANS AN ELECTRONIC GAME PLAYED BY MEANS OF
4 IMAGES ON A VIDEO SCREEN.

5 (B) A PERSON MAY NOT KNOWINGLY SELL, OFFER TO SELL, OR RENT TO A
6 MINOR A VIDEO GAME OR COMPUTER GAME WHICH HAS BEEN GIVEN AN OFFICIAL
7 RATING OF "MATURE" OR "FOR ADULTS ONLY" OR AN EQUIVALENT RATING BY THE
8 VIDEO OR COMPUTER GAME MANUFACTURER OR THE ENTERTAINMENT SOFTWARE
9 RATING BOARD.

10 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
11 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR
12 A FINE NOT EXCEEDING \$1,000 OR BOTH.

13 (D) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION
14 THAT THE DEFENDANT MADE A REASONABLE EFFORT TO ASCERTAIN THE MINOR'S
15 LEGAL AGE, INCLUDING REQUIRING IDENTIFICATION SHOWING DATE OF BIRTH.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2005.