

(PRE-FILED)

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By: **Delegate Kach**  
 Requested: July 22, 2005  
 Introduced and read first time: January 11, 2006  
 Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting a person from selling, offering to sell, displaying for  
 5 the purpose of sale, or renting to a minor a video or computer game that has  
 6 been given a "For Adults Only" rating by a certain rating system; establishing  
 7 criminal penalties for a violation of this Act; providing for a certain affirmative  
 8 defense to a charge of a violation of this Act; defining certain terms; and  
 9 generally relating to selling or 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 2005 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, DISPLAY FOR THE  
6 PURPOSE OF SALE, OR RENT TO A MINOR A VIDEO GAME OR COMPUTER GAME THAT  
7 HAS BEEN GIVEN AN OFFICIAL RATING OF "FOR ADULTS ONLY" OR AN EQUIVALENT  
8 RATING BY THE VIDEO OR COMPUTER GAME MANUFACTURER OR THE  
9 ENTERTAINMENT SOFTWARE 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 1 YEAR OR A  
12 FINE NOT EXCEEDING \$5,000 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, 2006.