

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 75
Judiciary

(Delegate Ross)

**Consumer Protection - Sales and Rentals of Violent Video Games to Minors -
Prohibited**

This bill prohibits a person from selling or renting a video game labeled as a “violent video game” to a minor.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill’s penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: A violent video game is defined as a video game in which the range of options available to a player includes killing, maiming, dismembering, or sexually assaulting an image of a human being if those acts are depicted in a specified manner.

Each violent video game imported or distributed in the State for retail or rental must be labeled with a solid white “18,” outlined in black, printed on the front face of the game’s package. The bill’s penalty provision does not apply to an individual who: (1) is employed as a salesclerk or similar position; (2) does not have an ownership interest in the business where the violation occurred; and (3) is not employed as a manager where

the violation occurred. The bill also exempts sales or rentals to a minor by the minor's parent, grandparent, aunt, uncle, or legal guardian.

It is an affirmative defense: (1) that a defendant or a defendant's employee or agent demanded, was shown, and reasonable relied on evidence that a purchaser or renter was not a minor; or (2) that the manufacturer failed to label the game as required.

A suspected violation may be reported to the appropriate authorities by a parent, legal guardian, or other adult acting on behalf of a minor to whom a violent video game has been sold or rented.

Violators are subject to a fine of up to \$1,000. A violation may be prosecuted by the appropriate authorities.

Provisions of the bill are severable if found invalid by a court of competent jurisdiction.

Current Law: Sale or rental of violent video games to minors is not specifically regulated by the State.

Additional Information

Prior Introductions: A similar bill, HB 698, was introduced during the 2005 session and received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2006
ncs/jr

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