

SENATE BILL REPORT

ESHB 1009

As Reported By Senate Committee On:
Children & Family Services & Corrections, April 4, 2003

Title: An act relating to video and computer games depicting violence against public law enforcement officers.

Brief Description: Prohibiting sale of violent computer and video games to minors.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Delvin, Skinner, Kagi, Chase, Wood, Sommers, Miloscia, Conway, Cody, O'Brien, Kenney, Schual-Berke, McDermott and Lovick).

Brief History:

Committee Activity: Children & Family Services & Corrections: 4/1/03, 4/4/03 [DP, DNP].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove and McAuliffe.

Minority Report: Do not pass.

Signed by Senator Parlette, Vice Chair.

Staff: Tony Rugel (786-7754)

Background: Video games may include store-bought games, computer games downloaded from the internet, and hand-held game players. These games are a major industry and are very popular. Video games have become increasingly realistic and interactive. Many video games involve coordination and strategy and may have educational uses. Some video games have been criticized for their use of violence.

Several states and municipalities have attempted to regulate minors' access to materials with violent themes. These laws and ordinances have faced constitutional challenges based on the First Amendment. The U.S. Supreme Court has not addressed the issue of restricting a minor's access to violent materials. Therefore, there is no definitive ruling from the U.S. Supreme Court that governs what states must do when regulating this type of material.

When a court finds that materials are protected speech under the First Amendment, the court carefully scrutinizes the statute or ordinance that attempted to restrict such speech. To be found constitutional, a statute or ordinance restricting protected speech must be narrowly tailored to advance a compelling governmental interest. Some of the courts that have considered these types of statutes and ordinances have found them to be too broad so that it is difficult to determine what type of video game is being targeted by the law. Other statutes or ordinances have been struck down because the court found the government lacked proof

that the ordinance was necessary to advance a compelling governmental interest. These courts found that there was not sufficient research showing the violent material caused harm to minors.

Summary of Bill: The Legislature finds that there is a compelling interest in curbing hostile and antisocial behavior in youth and fostering respect for public law enforcement officers. Retailers and parents are encouraged to utilize the industry rating system for video games.

It is a class I civil infraction for a retailer to sell, rent, or permit to be sold or rented, a violent video game or computer game they know to be a violent video or computer game to a minor under the age of 17. This class I civil infraction is punishable by a fine of \$500.

A violent video or computer game is defined as a video or computer game which contains realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes physical harm to a human form which appears to be a law enforcement officer.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is needed to send a message and hopefully curb the trend of violence and killing by and against young people.

Testimony Against: The video gaming industry is already working to rate and educate parents and the community about the content of video games.

Testified: PRO: Cynthia Shurtleff, WA Ch. of Am. Academy of Pediatrics; Pamela Eakes, Mothers Against Violence in America; David Simon, Students Against Violence Everywhere; John Thompson, Attorney; Bill Hanson, WACOPS; Bob Thurston, WSPTA; Leah White, Youth Council; Howard Winkler, citizen; CON: Jennifer Byron, Interactive Digital Software Assoc.; Brad Boswell, Interactive Digital Software Assoc.; Tom Paine, Video Software Dealers Assoc.; Jan Gee, WA Retail Assoc.