

1 Adrian M. Fenty
2 Councilmember Adrian M. Fenty

Linda W. Cropp
Chairman Linda W. Cropp

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4 Jim Graham
5 Councilmember Jim Graham

Vincent C. Gray
Councilmember Vincent Gray

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7
8 Kwame R. Brown
9 Councilmember Kwame R. Brown

Sharon Ambrose
Councilmember Sharon Ambrose

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11 Marion Barry
12 Councilmember Marion Barry

Carol Schwartz
Councilmember Carol Schwartz

13
14 Vincent B. Orange
15 Councilmember Vincent B. Orange

Jack Evans
Councilmember Jack Evans

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17
18 David Catania
19 Councilmember David Catania

Phil Mendelson
Councilmember Phil Mendelson

A BILL

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24
25 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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30 Councilmember Adrian M. Fenty, Chairman Linda W. Cropp, Councilmembers Jim Graham,
31 Vincent C. Gray, Kwame R. Brown, Sharon Ambrose, Marion Barry, Carol Schwartz,
32 _____, and _____ introduced the following bill,
33 which was referred to the Committee on _____.

34
35 To amend Title 47, Chapter 28 of the District of Columbia Code to create an Entertainment
36 endorsement to the Basic Business License, to prohibit the sale, rental, or furnishment of
37 obscene video games to minors in licensed retail establishments in the District of
38 Columbia per industry ratings.

39
40 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
41 act may be cited as the "Youth Protection from Obscene Video Games Act of 2005".
42

43 Sec. 2. The table of contents of Chapter 28 of Title 47 is amended by inserting after "47-
44 2849. Refund of erroneously paid fees." three new lines to read as follows: "47-2850.01

1 Findings.”, “47-2850.02. Definitions.”, and “47-2850.03 Sale, Rental, or Furnishment of
2 Obscene Video Games to Minors.”

3
4 Sec. 3. Chapter 28 of Title 47 is amended by inserting a new section after 47-2849 to
5 read as follows:

6
7 “§47-2850.01. Findings.

8
9 The Council finds that:

10
11 (a) The video and computer game industry, through the ESRB, has
12 determined that certain video and computer games contain mature sexual themes, intense
13 violence, strong language, graphic depictions of sex and violence, graphic and realistic-looking
14 depictions of physical conflict, including extreme and realistic blood, gore, weapons, depictions
15 of human injury and death, depictions of rape and other violent sexual acts, graphic depictions of
16 sexual behavior including nudity. These video and computer games have been rated by the
17 ESRB M for Mature and AO for Adult Only.

18
19 (b) The video and computer game industry, through the ESRB, has
20 determined that video and computer games rated by the ESRB as M or AO are not suitable for
21 minors.

22
23 (c) The ultra violent and sexually explicit content of video and computer
24 games rated M and AO violate contemporary community standards and, taken as a whole, appeal
25 to prurient interests and morbid and depraved interest in violence in minors.

26
27 (d) Video and computer games rated M and AO by the ESRB, taken as a
28 whole, lack serious literary, artistic, political, or scientific value for minors.”

29
30 Sec. 4. Chapter 28 of Title 47 is amended by inserting a new section after 47-2850.01 to
31 read as follows:

32
33 “§47-2850.02. Definitions.

34
35 For the purpose of this subchapter, the term

36
37 (1) “ESRB” means the Entertainment Software Rating Board, or any of its
38 successors, charged with rating the content of video or computer games, a
39 self-regulatory body for the interactive entertainment software industry
40 established in 1994 by the Entertainment Software Association, formerly the
41 Interactive Digital Software Association. The ESRB independently applies
42 ratings, advertising guidelines, and online privacy principles adopted by the
43 computer and video game industry.

- 1 (2) “ESRB Ratings” mean the rating scheme for video games and computer
2 games applied to video games and computer games by the ESRB. They
3 include:
4
5 a. “EC (Early Childhood)” for games deemed by the ESRB to be
6 suitable for persons ages three years old and older,
7
8 b. “E” (Everyone)” deemed by the ESRB to be suitable for persons ages
9 six years old and older,
10
11 c. “T (Teen)” deemed by the ESRB to be suitable for persons 13 years
12 old or older,
13
14 d. “M (Mature)” deemed by the ESRB to be suitable for persons 17
15 years old or older,
16
17 e. “AO (Adults Only)” deemed by the ESRB to be suitable for persons
18 18 years old or older, and
19
20 f. “RP (Rating Pending)” for video games and computer games
21 submitted to the ESRB that are awaiting an ESRB Rating.
22
- 23 (3) “Video game and computer game” mean an interactive electronic computer
24 program that produces entertainment by means of interaction with images on
25 a video screen through one or more hand-held manipulating devices or a
26 keyboard, by which the player or players control the action on the screen.
27
- 28 (4) “Business” is as defined under §47-2851.01.
29
- 30 (5) “Furnishment” means knowingly transferring possession, whether with or
31 without consideration.”
32

33 Sec. 5. Chapter 28 of Title 47 is amended by inserting a new section after 47-2850.02 to
34 read as follows:
35

36 “§47-2850.03. Sale, Rental, or Furnishment of Obscene Video Games to Minors.
37

38 (a) Any business that provides video games or computer games, including for
39 sale or rent, with or without compensation, in the District of Columbia shall obtain a
40 Entertainment endorsement to a basic business license under the basic business license system as
41 set forth in subchapter I-A of this chapter.
42

43 (b) No business in the District of Columbia shall sell, rent, or furnish video
44 games or computer games rated M for Mature under the ESRB ratings to persons under the age
45 of 17.
46

1 (c) No business in the District of Columbia shall sell, rent, or furnish video
2 games or computer games rated AO for Adults Only under the ESRB ratings to persons under
3 the age of 18.

4
5 (d) No business in the District of Columbia shall sell, rent, or furnish to
6 persons under 17 years of age of video games and computer games not rated or rated RP for
7 Rating Pending by the ESRB ratings.

8
9 (e) In any business in the District of Columbia licensed under subsection (a)
10 of this section, the owner, manager, or person in charge of the place of business shall:

11
12 (1) Post at least one warning sign visible at all times to customers that
13 includes the following: "No person under 17 shall purchase or rent a video game or computer
14 game rated M for Mature, not rated, or rated RP for Rating Pending by the Entertainment
15 Software Rating Board, and no person under 18 shall purchase or rent a video game or computer
16 game rated AO for Adults Only".

17
18 (2) Post at least one written explanation of the ESRB's ratings visible
19 to customers at all times.

20
21 (3) Post the Basic Business License required in subsection (a) of this
22 section so that it is visible at all times to customers.

23
24 (f) Any business in the District of Columbia licensed under subsection (a) of
25 this section shall ensure that any video game or computer game sold, rented, or displayed in the
26 business shall include a label clearly visible on the outside of all packaging which lists the
27 ESRB ratings or indicating that the video game or computer game is not rated by the ESRB.

28
29 (g) The Department of Consumer and Regulatory Affairs shall suspend or
30 revoke the Basic Business License of any licensee determined to have violated the provisions of
31 subsections (b), (c), (d), (e), or (f) of this section. The Department of Consumer and Regulatory
32 Affairs shall also fine the licensee not less than \$1,000 and not more than \$2,000 for the first
33 violation and not less than \$4,000 and not more than \$10,000 for each subsequent violation.

34
35 (1) A licensee alleged to be in violation of subsections (b), (c), (d),
36 (e), or (f) of this section shall be entitled to a hearing in accord with §2-509.

37
38 (2) It shall be an affirmative defense to a charge of violating
39 subsection (b), (c), or (d) of this section that the licensee or a licensee's employee was shown a
40 valid identification document indicating that the minor was 17 years of age or older in the case of
41 subsections (b) and (d) or 18 years of age or older in the case of subsection (c), which document
42 the licensee or the licensee's employee reasonably believed to be valid.

43
44 (h) A person who is not licensed according to subsection (a) of this section
45 shall not sell, rent, or furnish a video game or computer game rated M or RP under the ESRB

1 Ratings to a person under 17 years old, or a video or computer game rated AO under the ESRB
2 Ratings to a person under 18 years old.

3
4 (1) A person found to be in violation of subsection (h) of this section
5 shall be subject to a fine of up to \$1,000.

6
7 (2) A person alleged to be in violation of subsection (h) of this section
8 shall be entitled to a hearing in accord with §2-1802.03.

9
10 (3) The Department of Consumer and Regulatory Affairs and the
11 Metropolitan Police Department shall be empowered to issue a citation under §2-1801 et seq. for
12 alleged violations of subsection (h) of this section.”

13
14 Sec. 6. Fiscal impact statement.

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16 The Council adopts the fiscal impact statement in the committee report as the fiscal
17 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
18 approved December 24, 1973 (87 Stat. 813; D.C. Code §1-206.02(c)(3)).

19
20 Sec. 7. This act shall take effect following approval by the Mayor (or in the event of a
21 veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional
22 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, as approved
23 December 24, 1973 (87 Stat. 813; D.C. Code §1-206.02(c)(1)), and publication in the District of
24 Columbia Register.