

By Senator Gutman

34-721-99

See HB

1                                   A bill to be entitled  
2           An act relating to public exhibition of violent  
3           video games; providing a short title; providing  
4           definitions; prohibiting the public showing,  
5           display, or other exhibition of video games  
6           containing graphic violence in specified  
7           places; prohibiting a person who operates a  
8           place of business where video games containing  
9           graphic violence are shown, displayed, or  
10          exhibited from knowingly permitting or allowing  
11          any person under 18 years of age to patronize,  
12          visit, or loiter in such place of business;  
13          providing penalties; providing for deposit of  
14          fines in the Public Medical Assistance Trust  
15          Fund for use for a certain purpose; providing  
16          for proof of age to be required of a  
17          prospective video game observer at the place of  
18          business; providing a defense to prosecution  
19          under specified provisions; providing that a  
20          person who operates such place of business may  
21          seek a declaratory judgment from a court of  
22          appropriate jurisdiction on whether a video  
23          game contains graphic violence; providing an  
24          effective date.

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26           WHEREAS, the Legislature recognizes that violent crime  
27          is a serious, persistent problem in our society, especially  
28          among our youth, and

29           WHEREAS, the Legislature further recognizes that, as  
30          confirmed by current scientific data, the repeated exposure to  
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1 graphic violence may contribute to violent behavior by our  
2 youth in some instances, and

3 WHEREAS, although citizens are permitted to view and  
4 display a wide variety of materials for entertainment and  
5 other purposes in a free society, citizens also have the right  
6 to establish standards of safety and acceptability to ensure a  
7 civilized society and to protect their children and themselves  
8 from the scourge of violence, and

9 WHEREAS, it is the legislative goal and purpose to  
10 provide such standards, NOW, THEREFORE,

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. (1) SHORT TITLE.--This section may be  
15 cited as the "Children's Protection from Violence Act."

16 (2) DEFINITIONS.--As used in this section, the term:

17 (a) "Graphic violence" means the depiction or  
18 representation of death or severe injury, including, but not  
19 limited to:

20 1. Decapitation;

21 2. Dismemberment;

22 3. Repeated instances of bloodshedding; or

23 4. Grotesque cruelty

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25 in a way such that the depiction or representation shocks the  
26 conscience of the community and exceeds the boundaries of what  
27 should be tolerated in a civilized society.

28 (b) "Prospective video game observer" means a person  
29 who could observe a video game at a place of business where  
30 video games are shown, displayed, or exhibited.

31 (3) PROHIBITED ACTS.--

1           (a) It is unlawful for any person to show, display, or  
2 exhibit, or permit the showing, display, or other exhibition  
3 of, a video game containing graphic violence when the showing,  
4 display, or exhibition is visible from any public street or  
5 public place.

6           (b) It is unlawful for any person who operates a place  
7 of business in which video games containing graphic violence  
8 are shown, displayed, or exhibited to knowingly permit or  
9 allow any person under 18 years of age to patronize, visit, or  
10 loiter in such place of business.

11           (4) PENALTIES.--A person who violates subsection (3)  
12 commits a civil infraction, punishable by a fine not exceeding  
13 \$5,000 for any such violation on the first offense, with the  
14 total amount of such fines not to exceed \$50,000. A person who  
15 commits a second or subsequent offense in violation of  
16 subsection (3) commits a civil infraction punishable by a fine  
17 not exceeding \$10,000 for any such violation on the second or  
18 subsequent offense.

19           (5) DEPOSIT OF FINES.--Fine moneys collected by the  
20 courts under this section shall be forwarded for deposit in  
21 the Public Medical Assistance Trust Fund established in s.  
22 409.918, Florida Statutes, and distributed for payment of  
23 costs for treatment of injuries of victims of violent crime  
24 who qualify for Medicaid assistance, as provided by law.

25           (6) REQUIRED PROOF OF AGE AT PLACE OF BUSINESS;  
26 DEFENSE.--

27           (a) Any person who operates a place of business in  
28 which video games are shown, displayed, or exhibited, or the  
29 person's agent or employee, may require proof of age of a  
30 prospective video game observer.

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1           (b) A person charged with a violation of paragraph  
2 (3)(b) has a complete defense if, before or at the time the  
3 video game containing graphic violence was shown, displayed,  
4 or exhibited:  
5           1. The prospective video game observer evidenced that  
6 she or he was 18 years of age or older;  
7           2. The appearance of the prospective video game  
8 observer was such that a prudent person would believe the  
9 prospective video game observer to be 18 years of age or  
10 older; and  
11           3. The person charged with the violation, or the  
12 person's agent or employee, carefully checked a driver's  
13 license or an identification card issued by this state or  
14 another state of the United States, a passport, or a United  
15 States armed services identification card presented by the  
16 prospective video game observer and acted in good faith and in  
17 reliance upon the representation and appearance of the  
18 prospective video game observer in the belief that the  
19 prospective video game observer was 18 years of age or older.  
20           (7) RIGHT TO DECLARATORY JUDGMENT.--A person who  
21 operates a place of business in which video games are shown,  
22 displayed, or exhibited shall have the right to seek a  
23 declaratory judgment in a court of law of appropriate  
24 jurisdiction for the purpose of obtaining a judicial  
25 determination of whether a video game contains graphic  
26 violence.  
27           Section 2. This act shall take effect October 1, 1999,  
28 and shall apply to offenses committed on or after that date.  
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LEGISLATIVE SUMMARY

Creates the "Children's Protection from Violence Act."  
Prohibits the public showing, display, or other  
exhibition of video games containing graphic violence in  
specified places. Prohibits a person who operates a place  
of business where video games containing graphic violence  
are shown, displayed, or exhibited from knowingly  
permitting or allowing any person under 18 years of age  
to patronize, visit, or loiter in such place of business.  
Provides penalties. Provides for deposit of fines in the  
Public Medical Assistance Trust Fund for use for a  
certain purpose. Provides for proof of age to be required  
of a prospective video game observer. Provides a defense  
to prosecution under specified provisions. Provides that  
a person who operates such place of business may seek a  
declaratory judgment on whether a video game contains  
graphic violence.