

ACT No. 441

HOUSE BILL NO. 1381 (Substitute for House Bill No. 421 by Representative Burrell)

BY REPRESENTATIVES BURRELL, ALARIO, ALEXANDER, ARNOLD, BADON, BAUDOIN, BAYLOR, BEARD, BRUCE, BURNS, K. CARTER, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HOPKINS, HUTTER, JEFFERSON, KATZ, KENNEY, LABRUZZO, LAFLEUR, LAFONTA, MARTINY, MCDONALD, MCVEA, PIERRE, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, AND WHITE AND SENATORS BROOME, N. GAUTREAUX, KOSTELKA, LENTINI, AND ROMERO

1 AN ACT

2 To enact R.S. 14:91.14, relative to offenses affecting the health and morals of minors; to
3 provide with respect to the sale, exhibition, or distribution of material harmful to
4 minors; to provide for definitions; to create the crime of prohibited sales of computer
5 or video games to minors; to provide for definitions; to provide for penalties; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The legislature finds that children are the most precious resource of this
9 state and that they are worthy of special protection from their government. The laws of
10 Louisiana contain extensive provisions which afford children additional protection by
11 prohibiting them from voting, entering into marriage, purchasing or publicly possessing
12 alcoholic beverages, purchasing tobacco products, participating in gaming activities, entering
13 into contracts, and purchasing harmful materials. The legislature has also enacted wholly
14 distinct provisions for identifying children who are in need of care and establishing a means
15 to provide those children with appropriate services. These laws demonstrate Louisiana's
16 commitment to protect its citizens from physical, psychological, and financial harm during
17 the time in which they are particularly vulnerable due to their age and immaturity. In
18 enacting this Act, the Louisiana Legislature clearly demonstrates the state's compelling

1 governmental interest in protecting children and that it seeks to incorporate the extensive
2 protections otherwise afforded to minors in this state to the area of interactive video and
3 computer games.

4 Section 2. R.S. 14:91.14 is hereby enacted to read as follows:

5 §91.14. Prohibited sales of video or computer games to minors

6 A. An interactive video or computer game shall not be sold, leased, or rented
7 to a minor if the trier of fact determines all of the following:

8 (1) The average person, applying contemporary community standards, would
9 find that the video or computer game, taken as a whole, appeals to the minor's
10 morbid interest in violence.

11 (2) The game depicts violence in a manner patently offensive to prevailing
12 standards in the adult community with respect to what is suitable for minors.

13 (3) The game, taken as a whole, lacks serious literary, artistic, political, or
14 scientific value for minors.

15 B. For the purposes of this Section:

16 (1) "Interactive video or computer game" means an object or device that
17 stores recorded data or instructions, receives data or instructions generated by a
18 person who uses it and by processing the data or instructions, creates an interactive
19 game capable of being played or viewed on or through a computer, gaming system,
20 console, or other technology.

21 (2) "Computer" includes an electronic, magnetic, optical, or other high-speed
22 data processing device or system performing logical, arithmetic, and storage
23 functions and includes any property, data storage facility, or communications facility
24 directly related to or operating in conjunction with such device or system.
25 "Computer" shall not include an automated typewriter or typesetter, a machine
26 designed solely for word processing, or a portable hand-held calculator, nor shall
27 "computer" include any other device which might contain components similar to
28 those in computers but in which the components have the sole function of controlling
29 the device for the single purpose for which the device is intended.

30 (3) "Minor" means any person under the age of eighteen years.

1 C. Whoever is found guilty of violating the provisions of this Section shall
 2 be fined not less than one hundred dollars nor more than two thousand dollars or
 3 imprisoned, with or without hard labor, for not more than one year, or both.

4 Section 3. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____