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BILL ANALYSIS

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Senate Bill 490 (as reported without amendment)**Sponsor: Senator Robert Geake****Committee: State Affairs, Tourism, and Transportation****Date Completed: 3-2-88****RATIONALE**

With the advent of VCRs and video rental and retail stores, consumers now have much greater access to a wider selection of movies, including pornographic and other "mature audience" films, than they ever had. With such an assortment of movies to choose from, the consumer cannot possibly know the contents of each film. Without some guidelines, such as the ratings given to films shown in theaters, consumers may find that they have purchased or rented films not to their taste or not suitable as family entertainment. According to some, requiring videos to be marked with the official ratings given by the Motion Picture Association of America (MPAA) would enable consumers to be more selective in choosing their entertainment, and would help parents monitor more closely the amount of violence and sexually explicit material to which their children are exposed.

CONTENT

The bill would create a new act to prohibit persons from selling or renting video movies, including videotapes, video cassettes and video disc reproductions of motion picture films, unless the official rating of the motion picture were conspicuously displayed on the outside of the cassette, case, jacket or other covering of the video movie. A video movie of a motion picture that had not received official rating or that had been altered in any way subsequent to receiving an official rating would have to be marked "not rated". A violation of the bill would constitute a misdemeanor punishable by a fine of up to \$100 for each violation.

FISCAL IMPACT

The bill would have an indeterminate impact on State and local law enforcement agencies. Cost incurred by these agencies would depend upon the level of enforcement directed toward the bill's provisions, the number of violations that occurred, and subsequent prosecutions, each of which cannot be determined at this time.

ARGUMENTS**Supporting Argument**

By providing in statute for the use of widely known guidelines such as the MPAA movie ratings on video movies and video tapes, the bill would enable consumers to be better informed and more selective about their choices of video entertainment—a concern especially for parents who want to monitor the amount of violence and sex their children are exposed to by the media.

Response: Requiring the MPAA ratings to be used on video movies would not be a panacea for the problem of identifying a video's content. Many movies, including those made before the institution of the rating system in 1968,

those made specifically for video sales or television, and those that are pornographic or underground movies, are not rated. Moreover, scenes which are deleted from movies so that the movies will receive an "R" rating rather than an "X" rating are often reinserted in the video version of the movie, which would render the MPAA rating unreliable as an indication of the actual content of the video, and require a "not rated" designation under the bill.

Opposing Argument

Since the movie ratings of the Motion Picture Association of America are entirely voluntary and do not set official industry standards, use of the MPAA ratings could constitute an unlawful delegation of governmental authority to a private organization. Although the MPAA is working with video stores to establish stronger monitoring systems and video stores are encouraged to observe MPAA guidelines, it may be that the guidelines cannot legally be imposed on the owners as the bill would provide.

Response: Other states such as Georgia, Illinois, Tennessee and Maryland already require video ratings and they have not experienced any constitutional challenges. The MPAA ratings are well-known and convey important information to consumers and, therefore, should be made available to persons who rent or purchase videos from retail stores or local libraries.

Opposing Argument

Any form of labeling on printed or visual material is a form of censorship.

Response: The bill is not advocating censorship rights or the abolition of freedom of choice; it is only proposing safeguards for children. Just about all consumer items from soup to nuts are labeled as to content for consumer identification and protection. It is only reasonable that material as potentially influential as video movies should bear some indication as to its content. Furthermore, most video stores already have adopted and enforced policies that restrict access to pornographic or other "adult material" to those customers over 18 years of age.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.