

# Legislative Analysis

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## VIDEO GAMES

### House Bill 4702

Sponsor: Rep. Phil Pavlov

### House Bill 4703

Sponsor: Rep. Tom Pearce

Committee: Judiciary

Complete to 5-3-05

## A SUMMARY OF HOUSE BILLS 4702 AND 4703 AS INTRODUCED 5-3-05

The bills would amend two different laws to address video games. House Bill 4702 pertains to video games that contain sexually explicit performances and visual representations and House Bill 4703 would require retailers to post information regarding a video game rating system. Specifically, the bills would do the following:

House Bill 4702 would amend Public Act 33 of 1978 (MCL 722.673), which pertains to disseminating, exhibiting, or displaying sexually explicit matter to minors. "Sexually explicit matter" is defined under the act to mean sexually explicit visual material, sexually explicit verbal material, or sexually explicit performance. The bill would add video games to the list of presentations in the definition of "sexually explicit performance" and visual representations in the definition of "sexually explicit visual material" that depict nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse. "Video game" would be defined as an electronic game played by means of images on a video screen.

[Under the act, disseminating sexually explicit matter to a minor is a felony punishable by imprisonment for not more than two years and/or a fine of not more than \$10,000. Facilitative misrepresentation, which involves knowingly making a false representation that a person is the parent or guardian of a minor, or that a minor is 18 years of age or older, with the intent to facilitate the dissemination of sexually explicit matter to that minor, is a misdemeanor punishable by up to 93 days imprisonment and/or a fine of not more than \$5,000.]

House Bill 4703 would add a new section to the Michigan Penal Code (MCL 750.143a) to require a video game retailer (a person who sold or rented video games to the public) to post a sign in a prominent area within his or her retail establishment. The sign would have to provide information about a rating system or notify consumers that a rating system is available to aid in the selection of a game. The retailer would have to make information explaining the video game rating system available to consumers on request. A violation of the bill would be a state civil infraction. The retailer could be ordered to pay a fine of not more than \$1,000.

The bill would define "rating system" to mean any video game rating system shown on the exterior packaging of a video game when it was sold or rented. This could include, but would not be limited to, a rating system adopted by the entertainment software rating board or any other voluntary association of video game retailers or manufacturers. "Video game" would mean an object or device that stores recorded data or instructions generated by a person who used it, and, by processing that data or instruction, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, game console, or other technology.

In addition, the bill would amend the title of the act to include in the title summary that the act also prescribes remedies.

## **FISCAL IMPACT:**

The bills would have an indeterminate fiscal impact on the state and local units of government, depending on how they affected the numbers of people held responsible for state civil infractions, found guilty of misdemeanors, or found guilty of felonies. The following table shows how the revenues and costs of various penalties would affect the state and local units of government.

<b>Responsible for/Guilty of:</b>	<b>Fine</b>	<b>Court-ordered Costs ("Minimum State Costs")</b>	<b>Costs of Incarceration</b>	<b>Costs of Probation Supervision</b>
<b>State Civil Infraction</b>	To local library	\$10 to state Justice System Fund	Not applicable	Not applicable
<b>Misdemeanor</b>	To local library	\$40 to state Justice System Fund	County jail; costs vary by county	Local
<b>Felony</b>	To local library	\$60 to state Justice System Fund	Can be sentenced to jail or state prison. State prison: average appropriated FY 2004-05 cost of approximately \$29,000 per prisoner per year. Actual cost varies by location and security level.	State. Average FY 2004-05 cost of \$5.42 per probationer per day, or \$1,977 annually.

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