

Senate Bill 105

By: Senators Stoner of the 6th, Hamrick of the 30th, Thompson of the 5th, Rogers of the 21st, Powell of the 23rd and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to the sale or distribution of harmful materials to minors, so as to define  
3 a certain term; to provide that it shall be unlawful for any person knowingly to sell, rent, or  
4 loan for monetary consideration an excessively violent video game or a video game  
5 containing material which is harmful to minors; to provide for penalties; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to the sale or distribution of harmful materials to minors, is amended by renumbering  
11 paragraphs (1) through (7) of Code Section 16-12-102, relating to definitions, as paragraphs  
12 (2) through (8), respectively, and by inserting a new paragraph (1) to read as follows:

13 "(1) 'Excessively violent video game' means any video game or any copy of an electronic  
14 game that may be played using a portable electronic device or a hand-held gaming device  
15 by using a television or computer that, taken as a whole, to the average person, applying  
16 contemporary state-wide standards, appeals to minors' morbid interest in violence, that  
17 enables the player to virtually inflict serious injury upon human beings or characters with  
18 substantially human characteristics in a manner that is especially heinous, atrocious, or  
19 cruel, and that, taken as a whole, lacks serious literary, artistic, political, or scientific  
20 value for minors.

21 (A) A game shall be deemed 'especially heinous, atrocious, or cruel' if it contains each  
22 of the following elements:

- 23 (i) It depicts exceptional pain or suffering on the part of the victim and is  
24 accompanied by a graphic depiction of the victim's injuries;
- 25 (ii) The violence is accomplished in the commission of acts that would be punishable  
26 as crimes;
- 27 (iii) The circumstances surrounding the violence indicate that it is committed without  
28 conscience, pity, or empathy; and

1 (iv) It is accompanied by auditory or other sensory elements that serve to enhance the  
2 realism of the visual depiction.

3 (B) A game shall be deemed to contain a visual depiction of violence that is especially  
4 heinous, atrocious, or cruel if it is possible, within the range of options offered by the  
5 game, to create a depiction that contains the elements listed in division (i) of this  
6 subparagraph."

7 **SECTION 2.**

8 Said part is further amended by inserting immediately following paragraph (2) of subsection  
9 (b) of Code Section 16-12-103, relating to selling, loaning, distributing, or exhibiting certain  
10 material to a minor, the following:

11 "(3) It shall be unlawful to sell, rent, or loan for monetary consideration to a minor any  
12 excessively violent video game or any video game containing material that is harmful to  
13 minors within the meaning of paragraph (2) of Code Section 16-12-102. Each action in  
14 violation of this paragraph shall constitute a separate offense."

15 **SECTION 3.**

16 All laws and parts of laws in conflict with this Act are repealed.