

# HOUSE BILL REPORT

## HB 2595

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**As Reported by House Committee On:**  
Juvenile Justice & Family Law

**Title:** An act relating to monitoring compliance with standards regarding the sale of violent video and computer games.

**Brief Description:** Monitoring compliance with standards regarding the sale of violent video and computer games.

**Sponsors:** Representatives Dickerson, Conway, Delvin, Pettigrew, Wood, Schindler, Moeller, Kenney, Morrell and Kagi.

**Brief History:**

**Committee Activity:**

Juvenile Justice & Family Law: 1/29/04, 2/3/04 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Department of Community, Trade and Economic Development, for a limited time, to conduct periodic monitoring of a sample group of retail businesses on compliance with industry ratings for the sale and rental of violent video games.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Lovick and Upthegrove.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Delvin, Ranking Minority Member; Carrell and Hinkle.

**Staff:** Trudes Tango Hutcheson (786-7384).

**Background:**

The Entertainment Software Rating Board (ESRB) is an independent, self-regulatory entity supported by the entertainment industry, which provides ratings for, among other things, video games. The ESRB rating system is voluntary, and according to the ESRB, most video games sold in stores are rated by the ESRB. The ESRB raters consider content areas, including, but not limited to, violence, sex, language, and substance abuse. The ESRB currently has six ratings: "Early Childhood," "Everyone," "Teen," "Mature," "Adults Only," and "Rating Pending."

The Department of Community, Trade and Economic Development (DCTED) is the main state agency responsible for, among other things, providing community and economic development assistance in Washington; providing technical and financial assistance to local government, businesses, and community-based organizations; and conducting research and analysis to support community and economic development efforts at the state and local level.

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**Summary of Substitute Bill:**

The Legislature finds that combating children's exposure to realistic violent video and computer games depends in large part on retailers complying with industry game-rating standards when selling or renting the games to children.

The DCTED must develop a monitoring program for sales of violent video and computer games. Under the program, the DCTED must monitor a sample group of businesses, made up of 30 businesses. Ten of the businesses must be located in eastern Washington. The DCTED must conduct monitoring operations of sample groups of businesses at least twice per year.

The DCTED must make a preliminary report to the Governor, legislative committees and the public by July 1, 2004, with annual reports each December thereafter.

The DCTED may appoint an uncompensated advisory group to assist in developing its program. The advisory group should include representatives of parent-teacher organizations, law enforcement officers, sheriffs and police chiefs, retailers, and pediatricians. The DCTED may contract with an expert organization to conduct the program.

Authority for the monitoring program expires on January 1, 2007.

**Substitute Bill Compared to Original Bill:**

The substitute bill limits the monitoring program to a sample group of 30 businesses, with 10 businesses being in eastern Washington.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Parents and the public have a right to know if stores are complying with the industry rating system. Recent research shows that there is a negative influence of media violence on children. There is concern about what the repeated exposure to violence does to children. Although video games are not the only source of violent media, there is a link between video game violence and increased aggression. This bill will give the Legislature the information it needs to decide if changes need to be made in the law. This bill does not

interfere with commerce and there is no punishment or ban on the sale of these games. Local stores are not displaying the rating systems and stores are not carding kids. The Federal Trade Commission (FTC) is researching compliance as well. The industry has made only minimal efforts to ensure compliance. Allowing for voluntary compliance will allow the industry to find ways around compliance. The costs in the bill are limited because the bill only calls for a sampling of retail businesses. This bill is a logical next step to last year's bill on violent video games. It will help the community do the right thing for children.

**Testimony Against:** The industry is making very serious efforts to ensure compliance by retailers. They have instituted a new campaign to focus on retailers and to educate parents and children. This bill may hurt that effort. The bill will alienate retailers and they will not want to cooperate with the new campaign. The new campaign is being mentioned in magazines and newspapers. Monitoring programs, like the FTC's program and monitoring within the industry, already exist. The industry checks stores for a representative sample to see if store policies are posted. Studies show that stores with some policy on the issue do check for identification a majority of the time. The bill is unnecessary and it requires a report on the monitoring in July, which is too soon. This is a questionable use of state resources. The private sector can provide better monitoring. Industry is working with individual retailers, taking into account how to create rating signs to fit within each store's unique fixtures. Parents are often the one's purchasing these games for their kids, so the industry is trying to educate parents too. Industry is working with the FTC and getting recommendations from the FTC regarding educating retailers.

(Testimony Neutral) The purpose would be to gather information for public awareness, as opposed to looking for statistically valid numbers. The DCTED will probably contract with a group to comply with the July 1 deadline.

**Persons Testifying:** (In support) Representative Dickerson, prime sponsor; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Sarah Cherin; Larry Pederson, Thurston Community Network; Dr. Sherwin Cotler; Stacy Shown; Howard Winkler; Marian Harrison, Snohomish County Children's Commission; and Mary Kenfield, Parent Teacher Association.

(Opposed) Jean Leonard, Entertainment Software Association; Randy Walker, Entertainment Software Rating Board; Marie Sylla, Interactive Entertainment Merchant's Association; Eric English, Hollywood Entertainment; and Crossan Andersen, Video Software Dealers Association.

(Neutral) Paul Perz, Department of Community, Trade and Economic Development.

**Persons Signed In To Testify But Not Testifying:** None.