

HOUSE BILL No. 2104

By Committee on Health and Human Services

1-18

9 AN ACT concerning crimes and punishment; relating to selling video or
10 computer games to minors; penalty therefor.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) It shall be unlawful for any person to sell, furnish or
14 distribute video or computer games with an entertainment software rating
15 board rating of M, mature, or AO, adults only, to any person under 18
16 years of age.

17 (b) It shall be unlawful for any commercial establishment to know-
18 ingly display any video or computer games with an entertainment software
19 rating board rating of M, mature, or AO, adults only, to any person under
20 18 years of age in such a way that such persons, as a part of the invited
21 general public, will be exposed to view such game.

22 (c) Any person who violates any provision of this section shall be guilty
23 of a misdemeanor and upon the first conviction, shall be punished by a
24 fine of \$1,000, and upon a second or subsequent conviction, shall be
25 punished by a fine of \$2,500.

26 (d) It shall be a defense to a prosecution under this section if: (1) (A)
27 The defendant sold, furnished or distributed the video or computer game
28 to the person under 18 years of age with reasonable cause to believe the
29 person was of legal age to purchase or receive such game; and (B) to
30 purchase or receive such game, the person under 18 years of age exhibited
31 to the defendant a driver's license, Kansas nondriver's identification card
32 or other official or apparently official document containing a photograph
33 of the person and purporting to establish that the person was of legal age
34 to purchase or receive such game;

35 (2) (A) the defendant engages in the lawful sale, furnishing or dis-
36 tribution of video or computer games by mail; and (B) the defendant sold,
37 furnished or distributed such games to the person by mail only after the
38 person had provided to the defendant an unsworn declaration, conform-
39 ing to K.S.A. 53-601, and amendments thereto, that the person was 18
40 or more years of age; or

41 (3) the games were stored in a securely locked cabinet behind a
42 counter in such commercial establishment.

43 (e) For purposes of this section the person who violates this section

1 shall be the individual directly selling, furnishing or distributing the video
2 or computer games to any person under 18 years of age or the retail
3 dealer who has actual knowledge of such selling, furnishing or distributing
4 by such individual or both.

5 (f) Any agent, employees or others who aid, abet or otherwise partic-
6 ipate in any way in the violation of this section shall be guilty and punished
7 as principals to the same extent as any person violating this section.

8 (g) This section shall be a part of and supplemental to the Kansas
9 criminal code.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.