



Legislation Text

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Int. No. 567

By Council Members Brewer, Clarke, Gentile, Koppell, Martinez, Nelson, Provenzano, Quinn, Reed, Stewart, Vann and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to the sale of violent video or computer games to minors.

Be it enacted by the Council as follows:

Section One. Legislative Findings and Intent

The Council finds that there is compelling scientific, medical, statistical, law enforcement, and other evidence that interactive video and computer game play by minors leads to violence by some of those minors that would not otherwise occur. The Council further finds that the United States government has determined, and the interactive video game industry has admitted, that violent interactive video and computer games are marketed and sold to persons whose ages are lower than the industry's own rating system indicates are safe.

As the United States Supreme Court has established a tort claim right by people who have been injured by individuals who experienced and then replicated violent entertainment, the Council finds there is a compelling and legitimate interest of the City of New York to curb violent, criminal behavior in its youth, which behavior constitutes a public safety hazard to the youth, law enforcement personnel and innocent third parties.

§2. Chapter 4 of title 20 of the administrative code of the city of New York is hereby created by adding a new subchapter 12 to read as follows:

SUBCHAPTER 12

SALE OF VIOLENT VIDEO GAMES TO MINORS

§ 20-698 Definitions. For the purposes of this subchapter, (i) "Violent video or computer game" means an interactive video or computer game that depicts aggressive conflict or behavior in which the player kills, injures, or otherwise causes virtual physical harm to a human form, and (ii) "Minor" means any person under eighteen years of age, and (iii) "Person" means any natural person, corporation, partnership, firm, organization, association or other legal entity.

§ 20-699 Sale of Violent Video Games to Minors Prohibited. It shall be unlawful for any person to sell, offer to sell, rent, or cause any person to sell, offer to sell or rent, any violent video or computer game to a minor.

§ 20-699.1 Penalties. Any person that violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than one hundred dollars nor more than two hundred fifty dollars for the first violation and for each succeeding violation a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars.

§ 20-699.2 Civil Cause of Action. Any individual injured by another who, as a minor, had been sold a violent video or computer game in violation of this subchapter, and who can demonstrate by a preponderance of the evidence in a court of competent jurisdiction that, but for the violent video or computer game he or she would not have been injured, shall have a civil cause of action against any and all persons and entities who can be shown to have caused the sale to the minor, including but not limited to the game's makers, manufacturers, distributors, advertisers, marketers, wholesalers, and retailers. Any individual injured by another who, as a minor, had been given by that minor's parent or guardian a violent video or computer game and who can demonstrate by a preponderance of the evidence in a court of competent jurisdiction that, but for the violent video or computer game he or she would not have been injured, has a civil cause of action against that parent or guardian.

§3. This local law shall take effect immediately.

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