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**HEADLINE:** Boy, 15, has no trouble buying **violent**, M-rated **video games**

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*Staff Reporter*

High school sophomore Dan Shemwell won't be old enough to drive until the end of this month, but he learned last week that he could see "blood and gore," "intense violence," "strong language," "strong sexual content" and even the "use of drugs" through a "Grand Theft Auto" video game without his parents knowing.

Those descriptions are listed on the back of the box for the hot-selling "Grand Theft Auto: San Andreas," which the 15-year-old had no problem buying by himself Thursday at a Best Buy store in Schaumburg.

The game is rated "M" for mature audiences by the industry's Entertainment Software Rating Board, meaning it has been found suitable for those 17 and older. But Shemwell was able to walk out of the store at 900 E. Golf Rd. not only with "Grand Theft" but another M-rated game, no questions asked -- something a Best Buy spokesman said shouldn't have happened, under company policy.

In all, Shemwell, who turns 16 Jan. 27, was able to buy M-rated games at a total of 11 of the 15 stores he visited that day, according to state Rep. Paul Froehlich (R-Schaumburg) and leaders of the Illinois State Crime Commission, who wanted to test Gov. Blagojevich's belief that violent and sexy video games are too easily available to children. They drove Shemwell from store to store, sending him in to buy M-rated games, which they would return if he hit pay dirt.

"I think what we've shown is there is a problem" Froehlich said. "I'm glad there's some good corporate citizens out there, but it's disappointing the big majority were selling without questions asked."

'Kids have easy access'

Froehlich and Crime Commission Executive Director Jerry Elsner did not tell the governor's office in advance about their spot-check on video game sellers, but a gubernatorial spokeswoman was nonetheless excited about the results. It appears to support an earlier Federal Trade Commission study that found that younger teens were able to buy M-rated games 69 percent of the time.

"Unfortunately, it reinforces what we already know to be true, and that's that kids have easy access to excessively violent and sexually explicit video games," Blagojevich spokeswoman Abby Ottenhoff said. "A lot of people who maybe questioned the need [for a state law banning the sale of such games to minors] will hear about this, and that might be what puts a lot of people over the line."

Blagojevich made headlines last month when he proposed making Illinois the first state to ban the sale and rental of overly violent and/or sexy games to youths under age 18.

Similar efforts have been struck down as unconstitutional by the courts, but Blagojevich says an Illinois law would stand because of new research that shows such games are having a negative effect on children, and by narrowly defining what constitutes overly violent or sexual content in games. The state would not go by the industry's rating system because Blagojevich says it is "inadequate to put parents on notice of each game's contents."

Public health concern cited

Video game industry leaders say they're being singled out unfairly and that they're moving quickly to begin policing themselves. They argue if the state makes it a misdemeanor to sell a violent game to a 16-year-old, why not do the same to a theater employee who admits a youth into an R-rated movie?

Ottenhoff said the movie industry has done a good job policing itself when it comes to youths, sex and violence. The same, she said, can't be said for video games, which the governor believes are more of a public health concern because people, through the magic of PlayStation, become participants in the action.

"We don't want to be treated the same way as alcohol and tobacco," said Marie Sylla, director of government relations and counsel for the Interactive Entertainment Merchants Association, whose members collectively account for about 85 percent of the \$10 billion-a-year video game business in the United States.

"We just want to be treated the same" as the movie industry, Sylla said. "Movie theater owners stepped up to the plate. We just want to be given the same chance."

IEMA member companies -- including Circuit City, Blockbuster, GameStop, Target, Wal-Mart, Toys R Us, Electronics Boutique and Hollywood Entertainment -- in December 2003 chose to implement new carding policies to voluntarily curb the sale of M-rated games to minors under age 17. The industry still is putting those policies into effect, Sylla said.

"They agreed it would take at least a year for this policy to be up and running," she said, adding that hundreds of thousands of workers must be educated. "We're just asking for the [Illinois] Legislature to give us a chance."

Indeed, Blagojevich has come under fire from some arguing that banning video game sales isn't a worthwhile effort when the state has more pressing concerns, such as balancing its cash-strapped budget.

The crime commission's Elsner doesn't see it that way. His group, an independent not-for-profit, says the issue has long-range consequences.

"When we teach kids to drive, we use a driving simulator," he said. A video game, he said, can become a "killing simulator."

Cashier prompted to check ID

Shemwell, a student at Glenbard North High School in Carol Stream, was carded when he attempted to buy games at Target, Wal-Mart, EB Games and Toys R Us. In some cases, he clearly saw that a prompt came on the screen asking a cashier to check for identification.

A Best Buy spokesman, Brian Lucas, e-mailed a statement that said something similar should have happened at stores in Schaumburg and Bloomingdale where Shemwell bought M-rated games.

"Best Buy has procedures and mechanisms in place that prompt a request for age verification on M-rated video and PC games when the product is price-scanned at checkout," the statement read. "If we are made aware of an instance where an M-rated game is sold to a minor, we will take immediate steps to investigate."

#### DAN ON THE RUN: A VIDEO GAME SPOT CHECK

In response to Gov. Blagojevich proposing legislation to ban the sale of violent and sexually explicit video games to youths under age 18, the Illinois State Crime Commission and state Rep. Paul Froehlich (R-Schaumburg) checked to see if such games really were being sold to minors in and around Froehlich's legislative district. The Crime Commission enlisted Dan Shemwell, the 15-year-old grandson of its treasurer, Phyllis Luzader Swartz, to go to 15 stores Thursday. He attempted to buy "M-rated" (mature) games, including "Grand Theft Auto: San Andreas."

Despite most retailers voluntarily adopting policies banning the sale of such M-rated games to youths under 17, Dan Shemwell was able to buy games at 11 of the places he stopped:

Store Suburb Game Sold or refused?

GameStop Schaumburg Celebrity Death Match Sold

Target Schaumburg Grand Theft Auto: San Andreas Refused

EB Games Schaumburg Grand Theft Auto: San Andreas Refused

Best Buy Schaumburg Grand Theft Auto: San Andreas Sold both

McFarlane's Evil Prophecy

Toys R Us Schaumburg Mortal Kombat Refused

Circuit City Schaumburg Backyard Wrestling Sold

Sam Goody Schaumburg Kengo: Master of Bushido Sold

Electronics Boutique Schaumburg Resident Evil: Code Veronica Sold

Sears Schaumburg Socom II: U.S. Navy Seals Sold

Hollywood Vid. Glendale Heights Turok: Evolution Sold

Blockbuster Glendale Heights Nightshade Sold

Wal-Mart Bloomingdale Diablo II Refused

Disc Replay Bloomingdale Grand Theft Auto: Vice City, Sold all Legacy of Kain: Defiance,  
Onimusha Warlords

Circuit City Bloomingdale Rogue Ops Sold

Best Buy Bloomingdale Max Payne 2 Sold