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Illinois Seeks to Curb Explicit Video Games

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By P.J. Huffstutter Times Staff Writer

CHICAGO — This holiday season, children searching for the latest video game titles could walk into a store and buy "Grand Theft Auto: San Andreas" — which lets players kill cops, steal cars, solicit prostitutes and then beat them to get their money back. Or kids could pick up a copy of "The Guy Game" and answer questions to get busty female characters to slip out of their clothes or engage in topless rope jumping and sack races.

Today, Illinois Gov. Rod Blagojevich will formally propose the nation's first statewide legislation to regulate the sale and rental of these games, propelling Illinois into a national debate over what to do about this burgeoning and controversial form of entertainment.

The two bills he is promoting would make it a crime for retailers to rent or sell such violent or sexually graphic material to minors, policing video games in much the same way as cigarettes and alcohol.

They also would target the powerful video game industry, which pulled in \$10 billion in personal computer and console game sales in the U.S. last year — revenue that rivaled Hollywood's box office numbers.

"Soldiers heading to Iraq (news - web sites) use simulations like today's video games in order to prepare for war," Blagojevich said in a statement. "That may all be OK if you're a mature adult or a soldier training to fight, but is that really necessary for a 10-year-old child?"

If approved by the Illinois Legislature — and upheld in the courts — the bills would make it a misdemeanor to sell or rent sexually graphic or violent games to anyone younger than 18, punishable by as much as one year in prison and a \$5,000 fine per offense.

Retailers would be forced to label the games in a similar way to the "Parental Advisory" warning used on music CDs; and stores would have to post signs explaining the video game industry's rating system. Those that don't could be fined \$1,000 for the first three violations, and \$5,000 for every subsequent violation.

And Illinois would create its own definition of what qualified as violent or sexually graphic — including titles "realistically depicting human-on-human violence" or realistic images of human genitalia, the governor said.

The Legislature will consider the bills when lawmakers begin their new session in mid-January.

The proposals have been met with disbelief by retailers and video game makers, who long have pushed for self-regulation of their industry.

Most video game makers now use ratings established by the Entertainment Software Ratings Board, a New York-based, industry-sponsored group that taps parents, consumers and retired schoolteachers to grade games. The system rates games E, acceptable for everyone age 6 and older; T for teens; and M for mature audiences 17 or older.

"Every time there's a major new release, or a new release of technology, you see new attempts to regulate this industry," said Sean Bersell, spokesman for the Video Software Dealers Assn., the trade group for the home-video market that represents retailers and distributors of video games.

But government officials say most parents aren't aware of the ratings, and few retailers consistently enforce them. In July 2003, a report by the Federal Trade Commission found that 78% of children ages 13 through 16 could easily buy games rated for mature audiences.

"Trusting the game industry to police itself is akin to trusting tobacco companies to regulate themselves," said James Steyer, chief executive of the nonprofit watchdog group Common Sense Media. "The retailers and manufacturers have been saying for years, 'Trust us; we'll take care of all this.' And look where we are now."

This year's holiday offerings include some of the industry's most cutting-edge work — and, according to Blagojevich's office, some of its goriest and most obscene.

Blagojevich pointed to the violence in "Doom 3," which pits Marines against a host of zombies and monsters on Mars; and "Manhunt," in which the player uses machetes, axes and meat cleavers to disembowel enemies. He also highlighted the sexual nature of "Rumble Rose," which features a cast of characters that includes a disciplinarian schoolteacher, a naughty schoolgirl and a sadomasochistic slave.

Until recently, there have been few self-policing policies in place among retailers, said Hal Halpin, president of the Interactive Entertainment Merchants Assn., which represents 29 of the top 30 retailers that sell games.

"When the FTC report came out, about a third of the retailers had some sort of age-monitoring system," Halpin said. "Some were doing well and others weren't."

In December 2003, the association announced that all of its members would institute internal programs to curtail the sale of M-rated titles to kids. The program — being used by retailers such as Wal-Mart Stores Inc. and Target Corp. — finished rolling out this month.

Much to the chagrin of both politicians and family-advocate groups, violence and sex continue to sell well in the world of digital entertainment. And the influence and reach of the games are growing.

Hollywood studios and software programmers work to time the release of games on the retail shelves for when a feature film hits the big screen. Agents cut deals for game makers to turn their digital characters into movie projects — such as the successful "Tomb Raider" series — and arrange for Hollywood actors to step onto a game's digital set.

The industry even has its own awards show. Held in Santa Monica on Tuesday, the second annual Video Game Awards showered kudos on "Grand Theft Auto: San Andreas." The title, the latest in a

controversial series set amid a background of crime, won game of the year and best male performer for actor Samuel L. Jackson, who did the voice-over for one of its characters.

The line dividing movies and video games has become increasingly blurred as players use more powerful computers and software tools let developers create more photorealistic images.

At the same time, analysts say, game players have grown older — and are seeking more mature material.

So game developers are meeting that demand. About 11% of the last year's software sales in the U.S. came from M-rated games, according to the Entertainment Software Assn., the trade group representing U.S. computer and video game publishers.

"We all want to protect children. But the laws cannot treat games differently than movies, books or magazines," said Gail Markels, general counsel for the ESA. "The definitions of violence and sexual explicitness the [Illinois] governor's office is proposing seem to be too broad. Realistic human-on-human violence? That encompasses the movie 'Saving Private Ryan.' "

So far, the courts consistently have overturned other state and local efforts to restrict minors' access to controversial titles.

Earlier this year, a federal district court struck down a Washington state law that fined retailers who sold minors video games that showed police officers being harmed. The court ruled that the law was unconstitutional, and state officials decided not to appeal the decision.

St. Louis County, Mo., implemented a law in 2000 that made it a misdemeanor to knowingly sell or rent violent or sexually graphic video games to a minor unless the child were accompanied by a parent or guardian. A lower court concluded that video games were not protected speech.

But a federal appeals court overturned that decision in 2003. A comparable law in Indianapolis was struck down in 2001 by a federal appellate court.

Questionable video games

Illinois could become the first state to ban the sale and distribution of violent and sexually explicit video games to minors. The games below are the top five that parents should avoid for children and teens, according to an annual report card put out Nov. 24 by the National Institute on Media and the Family. Each is labeled M for mature by the Entertainment Software Ratings Board.

Games that top the list

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'Doom 3'

Marine fights his way through zombies and monsters on Mars

- Game setting contains hallways streaked with blood, body parts and mutilated bodies

- The screams of humans are part of the background music

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'Grand Theft Auto'

Former gang member shoots and steals his way through problems.

- Adult language is used

- Violence is frequent and sometimes very brutal

- Gangsters kill cops and steal cars

- Gangsters solicit prostitutes and then beat them

*

'Half-Life 2'

Scientist battles against an alien invasion

- Violent, gory and blood-filled

- Player watches other humans being devoured

- Player kills aliens and federal agents

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'Halo 2'

Warrior fighting an insurrection

- Intense violence

- Primarily consists of shooting and killing aliens

- Graphic descriptions of player's death

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'Resident Evil'

Escape a city overrun by zombies

- Explicit violence and gore

- Weapons include pipes, handguns, Molotov cocktails and rocket launchers

- Excessive profanity

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Sales (in billions)

2003: \$7.0

1995: \$3.2