

From the Pantagraph

Senate OKs video-game bill

Lawmaker says free-speech issue could be costly

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SPRINGFIELD -- The Illinois Senate voted overwhelmingly Thursday to approve a revamped version of Gov. Rod Blagojevich's plan to ban the sale of violent and sexually explicit video games to minors.

But one lawmaker said the governor's pet project actually could cost the state money.

The Senate approved the measure 52-5, and now a few changes made on the floor will need to be approved in the House before the bill goes to the governor's desk.

Under Blagojevich's plan, businesses and clerks caught selling violent or sexually explicit games to a person younger than 18 would be charged with a petty offense and fined \$1,000. Retailers would be required to affix stickers labeled "18" to games depicting "dismemberment, decapitation, disfigurement, maiming, mutilation of body parts or rape."

The industry's Entertainment Software Ratings Board already labels games as A for adult, M for mature, T for teen and E for everyone, but those ratings aren't legally binding. Under this bill, retailers would put the mandated stickers on games rated A or M that fall under the bill's definition of violence.

State Sen. John Cullerton, D-Chicago, warned the state could be on the hook to pay for opponents' attorney's fees if the law is ruled unconstitutional, which he said is inevitable.

The measure is a First Amendment issue, so it would be challenged in federal court, where the prevailing party is awarded attorney's fees.

"This bill unfortunately will never become law," said Cullerton, who voted "no" but added that he believed the governor is sincere about his legislation.

The state of Washington approved a similar law banning the sale of violent video games to minors in May 2003, but a federal judge struck down the law a year later, calling it a violation of free speech. Cullerton, an attorney, said Washington had to pay \$500,000 in attorney fees as a result of the decision.

A Blagojevich spokeswoman said the law is worth the challenges likely to arise.

"We're talking about our kids here," Rebecca Rausch said. "We think it's the right think to do."

Sheila Nix, a senior adviser to the governor, said the courts had had problems with such legislation in the past because there hasn't been an ability to show video games pose a specific harm to children. She said more studies have come out since the last rulings that show an actual change in brain development in children.

"Once you can show an actual harm to a child, the constitutional structure allows you to do more regulation to protect the child," Nix said, adding the governor's office thinks it has the evidence to support its claims.

Many lawmakers said although they opposed the legislation, they voted for it out of fear that a negative vote could be used against them in an election campaign.

"I know that if I vote against this bill, it could end up on a mail piece that I'm somehow for violent and crazy video games," said state Sen. Mike Jacobs, D-East Moline.

The only Central Illinois lawmaker who voted against the measure was state Sen. Gary Dahl, R-Granville.