

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7634

BILL NUMBER: HB 1649

DATE PREPARED: Jan 4, 2001

BILL AMENDED:

SUBJECT: Restrictions on Violent Video Games.

FISCAL ANALYST: Sherry Fontaine

PHONE NUMBER: 232-9867

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill requires a minor to be accompanied by a parent, guardian, or custodian when operating an amusement machine harmful to minors. The bill requires an establishment that possesses amusement machines harmful to minors to conspicuously post signs on each machine that state that minors may not operate the machine unless accompanied by a parent, guardian, or custodian. It requires an establishment to separate by at least ten feet amusement machines harmful to minors from other amusement machines, pinball machines, pool or billiard tables, or bowling machines or alleys. The bill requires an establishment that possesses amusement machines harmful to minors to conspicuously post signs that state that minors subject to compulsory school attendance may not be in the establishment on a school day after 7 a.m. and before 3:30 p.m. It also requires an establishment that possesses amusement machines harmful to minors to prohibit minors subject to compulsory school attendance to be in the establishment on a school day after 7 a.m. and before 3:30 p.m.

This bill makes a violation of this law by an establishment that possesses an amusement machine harmful to minors a Class B infraction and includes civil penalties that increase for repeat offenses that occur within 90 days. The bill establishes a defense if a minor presents a false driver's license or identification card that states the age of the minor is sufficient to allow the minor to operate an amusement machine harmful to minors without being accompanied by a parent, guardian, or custodian. It provides that a minor who presents false information to an establishment for the purpose of operating an amusement machine harmful to minors without being accompanied by a parent, guardian, or custodian commits a Class B infraction. The bill provides that a person who represents that the person is a parent, guardian, or custodian of a minor for the purpose of allowing the minor to operate an amusement machine harmful to minors commits a Class B infraction. The bill also specifies that certain licensed areas, private industrial or office locations, private clubs, or riverboats are not covered by the requirements of this law.

Effective Date: July 1, 2001.

Explanation of State Revenues: If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition to the penalties (Class B infraction) provided for in this bill, the following civil penalties are provided for establishments that violate this law:

- (1) If the establishment has not been issued a previous citation or summons for a violation of this chapter in the previous ninety days, a civil penalty of fifty dollars;
- (2) if the establishment had one violation or summons for a violation of this chapter in the previous ninety days, a civil penalty of one hundred dollars;
- (3) if the establishment had two violations or summons for a violation of this chapter in the previous ninety days, a civil penalty of two hundred and fifty dollars; and
- (4) if the establishment had three violations or summons for a violation of this chapter in the previous ninety days, a civil penalty of five hundred dollars, all of which are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: