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# HOUSE BILL No. 1649

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-46-7.

**Synopsis:** Restrictions on violent video games. Requires a minor to be accompanied by a parent, guardian, or custodian when operating an amusement machine harmful to minors. 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. 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. 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. 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. 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. 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. Provides that a minor who presents false information to an establishment for the purpose of operating an amusement machine harmful to minors  
(Continued next page)

**Effective:** July 1, 2001.

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**Summers, Alderman, Smith V,  
Crawford**

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January 17, 2001, read first time and referred to Committee on Judiciary.

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Digest Continued

without being accompanied by a parent, guardian, or custodian commits a Class B infraction. 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. Specifies that certain licensed areas, private industrial or office locations, private clubs, or riverboats are not covered by the requirements of this law.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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## HOUSE BILL No. 1649



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-46-7 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]:

4 **Chapter 7. Amusement Machines**

5 **Sec. 1. This chapter does not apply to the following**  
6 **establishments:**

- 7 (1) **The part of a licensed premises (as defined in**
- 8 **IC 7.1-1-3-20) in which entry is limited to persons who are at**
- 9 **least eighteen (18) years of age.**
- 10 (2) **Private industrial or office locations that are customarily**
- 11 **accessible only to persons who are at least eighteen (18) years**
- 12 **of age.**
- 13 (3) **Private clubs if the membership is limited to persons who**
- 14 **are at least eighteen (18) years of age.**
- 15 (4) **Riverboats on which lawful gambling is authorized if entry**



- 1 is limited to persons who are at least twenty-one (21) years of  
 2 age.
- 3 **Sec. 2. (a) The definitions in this section apply throughout this**  
 4 **chapter.**
- 5 **(b) "Accompanied" means a parent, guardian, or custodian:**  
 6 **(1) is within five (5) feet of the minor at all times while the**  
 7 **minor is operating an amusement machine harmful to minors;**  
 8 **or**  
 9 **(2) has appeared in person with the minor at the**  
 10 **establishment where an amusement machine harmful to**  
 11 **minors is located and on that day has given permission for the**  
 12 **minor to operate the amusement machine:**
- 13 **(A) to the owner of the establishment where the**  
 14 **amusement machine harmful to minors is located;**  
 15 **(B) to an agent of the owner; or**  
 16 **(C) to an employee of the owner.**
- 17 **(c) "Amusement machine" means a video game or other**  
 18 **electronic device offered to the public as a game or amusement that**  
 19 **requires currency, tokens, cards, or tickets and awards points**  
 20 **based on the skill of the operator.**
- 21 **(d) "Harmful to minors" means an amusement machine that**  
 22 **depicts or represents the following:**
- 23 **(1) Serious bodily injury (as defined in IC 35-41-1-25).**  
 24 **(2) Bloodshed.**  
 25 **(3) Sexual content (as defined in IC 35-49-1-9).**  
 26 **(4) Obscene acts or depictions (as defined in IC 35-49-2-1).**  
 27 **(5) Nudity (as defined in IC 35-49-1-5).**
- 28 **(e) "Minor" has the meaning set forth in IC 35-49-1-4.**
- 29 **Sec. 3. (a) An establishment that owns or possesses an**  
 30 **amusement machine harmful to minors shall do the following:**
- 31 **(1) Require a minor in the establishment to be accompanied**  
 32 **by a:**
- 33 **(A) parent;**  
 34 **(B) guardian (as defined in IC 29-3-1-6); or**  
 35 **(C) custodian (as defined in IC 35-42-4-7);**  
 36 **if the minor is operating an amusement machine harmful to**  
 37 **minors.**
- 38 **(2) Place a conspicuous sign on each amusement machine**  
 39 **harmful to minors stating that the amusement machine may**  
 40 **not be operated by a minor unless the minor is accompanied**  
 41 **by a parent, guardian, or custodian.**  
 42 **(3) Separate by at least ten (10) feet all amusement machines**

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1 harmful to minors from:

- 2 (A) amusement machines not harmful to minors;  
 3 (B) pool or billiard tables;  
 4 (C) pinball machines; or  
 5 (D) bowling machines or alleys.

6 (4) Prohibit a minor who is subject to compulsory school  
 7 attendance laws as set forth in IC 20-8.1-3-17 from being  
 8 present in the establishment on a day that school is in session:

- 9 (A) any time after 7 a.m.; and  
 10 (B) any time before 3:30 p.m.;

11 unless the minor is accompanied by a parent, guardian, or  
 12 custodian.

13 (5) Place a conspicuous sign inside the establishment that  
 14 informs minors subject to compulsory school attendance laws  
 15 as set forth in IC 20-8.1-3-17 of the requirements set forth in  
 16 subdivision (4).

17 (6) Place a nontransferable, clearly visible designation on the  
 18 minor indicating that the parent, guardian, or custodian has  
 19 consented to allow the minor to operate an amusement  
 20 machine harmful to minors if the parent, guardian, or  
 21 custodian has appeared in person at the establishment and  
 22 given permission for the minor to operate the amusement  
 23 machine.

24 (b) The following defenses are available to establishments  
 25 accused of violating this chapter:

26 (1) The minor produced a driver's license bearing the minor's  
 27 photograph at the establishment where the amusement  
 28 machine harmful to minors is located to:

- 29 (A) the owner of the establishment;  
 30 (B) an agent of the owner; or  
 31 (C) an employee of the owner;

32 that indicated the minor was of legal age to operate the  
 33 amusement machine harmful to minors.

34 (2) The minor produced an identification card issued under  
 35 IC 9-24-16-1 that indicated the minor was of legal age to  
 36 operate the amusement machine harmful to minors.

37 **Sec. 4.** An establishment that violates this chapter commits a  
 38 **Class B** infraction. Notwithstanding IC 34-28-5-4(b), a civil  
 39 judgment for an infraction committed under this chapter must be  
 40 imposed as follows:

41 (1) If the establishment has not been issued a citation or  
 42 summons for a violation of this chapter in the previous ninety

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1           **(90) days, a civil penalty of fifty dollars (\$50).**  
 2           **(2) If the establishment has had one (1) citation or summonses**  
 3           **issued for a violation of this chapter in the previous ninety**  
 4           **(90) days, a civil penalty of one hundred dollars (\$100).**  
 5           **(3) If the establishment has had two (2) citations or**  
 6           **summonses issued for a violation of this chapter in the**  
 7           **previous ninety (90) days, a civil penalty of two hundred fifty**  
 8           **dollars (\$250).**  
 9           **(4) If the establishment has had at least three (3) citations or**  
 10           **summonses issued for a violation of this chapter in the**  
 11           **previous ninety (90) days, a civil penalty of five hundred**  
 12           **dollars (\$500).**  
 13           **Sec. 5. A minor who presents false information to an**  
 14           **establishment for the purpose of operating an amusement machine**  
 15           **harmful to minors without being accompanied by a parent,**  
 16           **guardian, or custodian commits a Class B infraction.**  
 17           **Sec. 6. A person who is not the parent, guardian, or custodian**  
 18           **of a minor who represents that the person is:**  
 19               **(1) a parent;**  
 20               **(2) a guardian; or**  
 21               **(3) a custodian;**  
 22           **of the minor for the purpose of allowing the minor to operate an**  
 23           **amusement machine harmful to minors commits a Class B**  
 24           **infraction.**

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