

HOUSE BILL No. 2921

By Representative Ward

2-14

9 AN ACT concerning crimes and punishment; relating to selling video or
10 computer games to minors; penalty therefor.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) It shall be unlawful for any person to sell, furnish or
14 distribute video or computer games with an entertainment software rating
15 board rating of M, mature, or AO, adults only, to any person under 18
16 years of age.

17 (b) Any person who violates any provision of this section shall be
18 guilty of a misdemeanor and upon the first conviction, shall be punished
19 by a fine of \$1,000, and upon a second or subsequent conviction, shall be
20 punished by a fine of \$2,500.

21 (c) It shall be a defense to a prosecution under this section if: (1) The
22 defendant sold, furnished or distributed the video or computer game to
23 the person under 18 years of age with reasonable cause to believe the
24 person was of legal age to purchase or receive such game; and (2) to
25 purchase or receive such game, the person under 18 years of age exhibited
26 to the defendant a driver's license, Kansas nondriver's identification card
27 or other official or apparently official document containing a photograph
28 of the person and purporting to establish that the person was of legal age
29 to purchase or receive such game.

30 (d) It shall be a defense to a prosecution under this subsection if: (1)
31 The defendant engages in the lawful sale, furnishing or distribution of
32 video or computer games by mail; and (2) the defendant sold, furnished
33 or distributed such games to the person by mail only after the person had
34 provided to the defendant an unsworn declaration, conforming to K.S.A.
35 53-601, and amendments thereto, that the person was 18 or more years
36 of age.

37 (e) For purposes of this section the person who violates this section
38 shall be the individual directly selling, furnishing or distributing the video
39 or computer games to any person under 18 years of age or the retail
40 dealer who has actual knowledge of such selling, furnishing or distributing
41 by such individual or both.

42 (f) Any agent, employees or others who aid, abet or otherwise partic-
43 ipate in any way in the violation of this section shall be guilty and punished

1 as principals to the same extent as any person violating this section.
2 (g) This section shall be a part of and supplemental to the Kansas
3 criminal code.
4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.