

EXHIBIT 2

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|SENATE RULES COMMITTEE                | AB 1179|
|Office of Senate Floor Analyses      |       |
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THIRD READING

Bill No: AB 1179
 Author: Yee (D)
 Amended: 9/8/05 in Senate
 Vote: 21

SENATE JUDICIARY COMMITTEE : 4-0, 9/8/05
 AYES: Dunn, Cedillo, Escutia, Kuehl
 NO VOTE RECORDED: Morrow, Ackerman, Figueroa

ASSEMBLY FLOOR : Not relevant

SUBJECT : Violent video games

SOURCE : Author

DIGEST : This is a new bill. Prior to the Senate Floor Amendments of 9/2/05, this bill authorized foster parents, under certain conditions, to administer injections for diabetes shock or other prescribed medication to a foster child.

Senate Floor Amendments of 9/8/05 made a technical change by adding a co-author.

Senate Floor Amendments of 9/2/05 now constitute that bill. The amendments insert language located in AB 450 (Yee), which is on third reading in the Assembly. As amended, this bill makes legislative findings that prolonged exposure to violent video games may increase feelings of aggression and cause psychological harm to minors, and that

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the state has a compelling interest in preventing such harms. The bill makes it unlawful for a person to sell or rent a video game that is labeled as a "violent video game," as defined, to a minor under 18 years old. The bill

also requires specified labeling for the purpose of identifying violent video games.

ANALYSIS : Existing law regulates the sale of certain merchandise, such as political items and sports memorabilia.

This bill requires violent video games to be labeled as specified and would prohibit the sale or rental of those violent video games, as defined, to minors. The bill provides that a person who violates the act shall be liable in an amount of up to \$1,000 for each violation.

The bill contains the following findings and declarations:

- 1.Exposing minors to depictions of violence in video games, including sexual and heinous violence, makes those minors more likely to experience feelings of aggression, to experience a reduction of activity in the frontal lobes of the brain, and to exhibit violent antisocial or aggressive behavior.
- 2.Even minors who do not commit acts of violence suffer psychological harm from prolonged exposure to violent video games.
- 3.The state has a compelling interest in preventing violent, aggressive, and antisocial behavior, and in preventing psychological or neurological harm to minors who play violent video games.

"Violent video game" means a video game in which the range of options available to a player includes killing, maiming, dismembering, or sexually assaulting an image of a human being, if those acts are depicted in the game in a manner that does either of the following:

- 1.Comes within all of the following descriptions:

A. A reasonable person, considering the game as a

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whole, would find appeals to a deviant or morbid interest of minors.

B. It is patently offensive to prevailing standards in the community as to what is suitable for minors.

C. It causes the game, as a whole, to lack serious literary, artistic, political, or scientific value for minors.

- 2.Enables the player to virtually inflict serious injury upon images of human beings or characters with substantially human characteristics in a manner which is especially heinous, cruel, or depraved in that it involves torture or serious physical abuse to the victim.

A suspected violation of this bill may be reported to a city attorney, county counsel, or district attorney by a parent, legal guardian, or other adult acting on behalf of a minor to whom a violent video game has been sold or rented. A violation of this title may be prosecuted by any city attorney, county counsel, or district attorney.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No
 Local: No

SUPPORT : (Verified 8/30/05) (as listed on the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee analysis for AB 450)

Honorable Cruz Bustamante, Lieutenant Governor
 American Academy of Pediatrics
 California Alliance Against Domestic Violence
 California Commission on the Status of Women
 California Psychiatric Association
 California Psychological Association
 California State Conference of the National Association of Colored People
 California State PTA
 Capitol Resource Institute
 Common Sense Media
 Feather River College
 Friends Committee on Legislation
 Girl Scout Councils of California

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Junior Leagues of California State Public Affairs Committee
 Maidu Cultural & Development Group
 NAACP Legal Defense and Educational Fund, Inc.
 Northern California Society of Public Health Educators
 Parents Television Council
 PLS-Domestic Violence Services
 Plumas County Child Care and Development Planning Council
 Portola C.A.R.E.S. Resource Center
 Santa Clara County After-School Collaborative
 Sierra Valley Even Start Family Literacy Program
 Stanislaus County Children's Council
 Support Network for Battered Women
 Sutter Lakeside Community Services

OPPOSITION : (Verified 8/30/05) (as listed on the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee analysis for AB 450)

American Civil Liberties Union
 American Electronics Association
 California Broadcasters Association
 California Chamber of Commerce
 California Retailers Association
 Entertainment Software Association
 Interactive Entertainment Merchants Association
 Interactive Entertainment Merchants Association
 International Game Developers Association
 Motion Picture Association

National Association of Theatre Owners of California/Nevada
Recording Industry Association of America
The Media Coalition
Video Software Dealers Association

ARGUMENTS IN SUPPORT : The author's office indicates that the purpose of this bill is to "keep children from being able to purchase ultra-violent video games, which can be harmful to their mental well being, without their parent's knowledge."

The author's office reports that "since teens are wiring the circuits for self control, responsibility and relationships they will carry with them into adulthood, they are more impressionable than we thought. Active participation by youth in playing violent video games has a

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greater impact than watching television. Youth choose actions where they are rewarded for causing violence to another character. Repetition greatly increases learning and also causes youth to identify with the aggressor in the game. Dozens of studies on violent video games, including an analysis of 86 independent samples with 11,014 participants, show five major effects: playing violent games leads to increased physiological arousal, increased aggressive thoughts, increased aggressive feelings, increased aggressive behaviors, and decreased pro-social or helping behaviors (Anderson, 2004; Anderson, et. al. 2004; Anderson & Bushman, 2001, Uhlmann & Swanson, 2004). These studies prove causation of aggression through experimental studies (that show playing violent games actually causes increases in aggression), real-world aggression through correlational studies (where long-term relations between game play and real-world aggression can be shown), and include several longitudinal studies (where changes in children's aggressive behaviors can be demonstrated). Furthermore, students who played more violent video games had greater involvement in physical fights (Gentile, 2004), became desensitized to violence, and developed pro-violence attitudes and increased tolerance of violence (Funk, 2004). The American Academy of Pediatrics Policy Statement on Media Violence stated that playing violent video games accounts for a 13 percent to 22 percent increase in adolescents' violent behavior. When considering the negative impact violent video games have on youth, the evidence is strong: playing violent video games has more effect on increased youth aggression than second-hand smoke has on causing cancer, or lead exposure links to decreased IQ (Anderson, 2004).

ARGUMENTS IN OPPOSITION : The California Retailers Association (CRA) argues that the bill "uses phrases that require subjective interpretation, judgment, constructs, opinion, valuation, appraisal and an ability to gauge measures and norms that are not within the capability or purview of a retailer." The CRA also opines that the bill "would require retailers to individually play/view all

video games they sell and make individual and independent determinations whether each game fits the criteria for 'violent'" (e.g. "what is 'patently offensive to community standards'" or to "judge a game's artistic or literary

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value?[or] 'interpret mental torture'").

RJG:nl 9/22/05 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****