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By: Ioan Sambeteanu, Editor, Game Reviews



[ESA Takes Legal Action Against Oklahoma State](#)

Another day, another law, another trial

Taxpayers in Oklahoma will be thrilled to hear that their money will be spent in an expensive legal battle against ESA to defend a seemingly unconstitutional games law. The HB3004 'inappropriate violence' bill was signed into law by Democratic Governor Brad Henry, and would have come into effect from November 1st. If ESA loses the trial, retailers would face felony charges for selling, renting or displaying games which contain "inappropriate violence" to minors, calling for a change in store displays to keep such tiles behind 'binder racks' normally reserved for pornographic material. By "inappropriate violence", the law defines any depiction in a game which the average adult would find "patently offensive to prevailing standards in the adult community with respect to what is suitable for minors" when applying "contemporary community standards." A major problem with this law is that it likely violates the First Amendment protection of free expression. It is the parents who should be trusted to make their own decisions about what games their children should or shouldn't be allowed to play, and no one else. "While parents have the ultimate responsibility for what their children do and see, this legislation is another tool to ensure that our young people are not saturated in violence", Governor Henry stated to defend the new law. "This gives parents the power to more closely regulate which games their children play." Given the distinct lack of evidentiary support for the negative effects of videogames on minors and combined with the clear legal precedent set by court rulings in similar cases which the ESA has challenged in Michigan, Illinois, California, Utah and other US states, it would seem extremely unlikely that Oklahoma's bill will ever make into active law. The failed Utah bill, for instance, sought to amend existing legislation normally reserved for pornographic and sadomasochistic material by tagging on sexually and graphically violent videogames, which is far from being justified as video games.

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