

SECOND REGULAR SESSION

SENATE BILL NO. 875

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Pre-filed January 4, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2669S.011

AN ACT

To repeal section 573.037, RSMo, relating to the possession of child pornography, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 573.037, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 573.037, to read as follows:

573.037. 1. A person commits the crime of possession of child pornography if[, knowing of its content and character, such person] **he knowingly:**

(1) Possesses or controls any obscene material that has a [child] minor as one of its participants or portrays [what appears to be a child as] an observer [or participant] of sexual conduct, sexual contact or a sexual performance with a minor; or

(2) Possess or controls any material that shows a minor participating or engaging in sexual conduct.

2. Possession of child pornography is a class [A misdemeanor] **D felony** unless the person has pleaded guilty to or has been found guilty of an offense [under] **pursuant to chapter 566, RSMo, or this section committed at a different time**, in which case it is a class [D] **C felony.**

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EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.