

SECOND REGULAR SESSION

SENATE BILL NO. 933

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time January 10, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4186S.011

AN ACT

To repeal sections 566.083 and 573.040, RSMo, and to enact in lieu thereof two new sections relating to criminal offenses against a child, with penalty provisions.

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

Section A. Sections 566.083 and 573.040, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 566.083 and 573.040, to read as follows:

566.083. 1. A person commits the crime of sexual misconduct involving a child if the person:

(1) Knowingly exposes his or her genitals to a child less than fourteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than fourteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(3) Knowingly coerces or induces a child less than fourteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.

3. It is not an affirmative defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Sexual misconduct involving a child **or attempted sexual misconduct involving a child** is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an offense pursuant to this chapter or the actor has previously pleaded guilty to or has been convicted of an

20 offense against the laws of another state or jurisdiction which would constitute
21 an offense under this chapter, in which case it is a class C felony.

573.040. 1. A person commits the crime of furnishing pornographic
2 material to minors if, knowing its content and character, he or she:

3 (1) Furnishes any material pornographic for minors, knowing that the
4 person to whom it is furnished is a minor or acting in reckless disregard of the
5 likelihood that such person is a minor; or

6 (2) Produces, presents, directs or participates in any performance
7 pornographic for minors that is furnished to a minor knowing that any person
8 viewing such performance is a minor or acting in reckless disregard of the
9 likelihood that a minor is viewing the performance; or

10 (3) Furnishes, produces, presents, directs, participates in any performance
11 or otherwise makes available material that is pornographic for minors via
12 computer, electronic transfer, Internet or computer network if the person made
13 the matter available to a specific individual known by the defendant to be a
14 minor.

15 **2. It is not an affirmative defense to a prosecution for a violation**
16 **of this section that the person being furnished the pornographic**
17 **material is a peace officer masquerading as a minor.**

18 **3. Furnishing pornographic material to minors or attempting to**
19 **furnish pornographic material to minors** is a class A misdemeanor unless
20 the person has pleaded guilty to or has been found guilty of an offense committed
21 at a different time pursuant to this chapter, chapter 566 or chapter 568, RSMo,
22 in which case it is a class D felony.

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