

FIRST REGULAR SESSION

# SENATE BILL NO. 69

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Pre-filed January 4, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0677S.011

## AN ACT

To amend chapters 43 and 537, RSMo, by adding thereto two new sections relating to pornography.

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

Section A. Chapters 43 and 537, RSMo, are amended by adding thereto  
2 two new sections, to be known as sections 43.413 and 537.049, to read as follows:

**43.413. 1. As used in this section, the term "child pornography"  
2 shall have the same meaning as defined in section 573.010.**

**3 2. Any law enforcement officer who recovers images or movies  
4 of child pornography pursuant to a criminal investigation shall:**

**5 (1) Provide such images or movies to the Child Victim  
6 Identification Program at the National Center for Missing and  
7 Exploited Children in accordance with the center's guidelines;**

**8 (2) Request contact information from the Child Victim  
9 Identification Program for the law enforcement agency that reported  
10 the initial identification of the child, in order to verify the identity and  
11 age of the victim; and**

**12 (3) Provide case information and contact information to the  
13 Child Victim Identification Program in accordance with the National  
14 Center for Missing and Exploited Children guidelines, in any case  
15 where the law enforcement officer identifies a previously unidentified  
16 victim of child pornography.**

**17 3. When any law enforcement officer submits a case for  
18 prosecution that involves the production, promotion, or possession of  
19 child pornography and the images or movies involved in the case depict  
20 an identified victim, the law enforcement officer shall submit the  
21 contact information of the agency that reported the initial**

22 identification of the child, that was provided by the Child Victim  
23 Identification Program at the National Center for Missing and  
24 Exploited Children, to the prosecuting attorney or circuit attorney.

537.049. 1. Any person who, while less than fourteen years of  
2 age, was a victim of a crime defined in sections 573.020, 573.023,  
3 573.025, 573.030, 573.035, or 573.037 and who suffered physical or  
4 psychological injury as a result of the production, promotion, or  
5 possession of such pornographic or obscene images or movies, shall be  
6 entitled to bring a civil action against the person who pleaded guilty  
7 to or was found guilty of the offense, regardless of whether the victim  
8 is now an adult. In any action brought under this section, a prevailing  
9 plaintiff shall recover the actual damages such person sustained and  
10 court costs, including reasonable attorney's fees. Actual damages shall  
11 be deemed to be at least one hundred fifty thousand dollars.

12 2. Notwithstanding any other provisions of law to the contrary,  
13 any action commenced under this section shall be filed within three  
14 years after the later of:

15 (1) The final order in the related criminal case;

16 (2) The notification by a law enforcement agency to the victim  
17 or the parent or guardian of the victim regarding the creation,  
18 possession, or promotion of such images or movies; or

19 (3) The date the victim reaches the age of eighteen.

20 3. It is not a defense to a civil cause of action under this section  
21 that the defendant did not know the victim or commit the abuse  
22 depicted in any image of child pornography.

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