

SECOND REGULAR SESSION

SENATE BILL NO. 551

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4398S.011

AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to the offense of unlawful internet communication with a minor, with penalty provisions.

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

Section A. Chapter 566, RSMo, is amended by adding thereto one new
2 section, to be known as section 566.157, to read as follows:

**566.157. 1. For purposes of this section, the following terms
2 mean:**

3 (1) "Instant messaging or chat room program", a program that
4 allows a form of real time text communication between two or more
5 people via computers connected over a network such as the internet,
6 or between cell phone or wireless communication device users, or over
7 a cell phone or wireless communication device network;

8 (2) "Social networking website", a website that allows users to
9 create web pages or profiles about themselves that are available to the
10 general public, or to any other users, and offers a mechanism for
11 communication among users. Social networking website shall not
12 include any of the following:

13 (a) A website that provides only one of the following services:
14 photo-sharing, electronic mail, or instant messaging;

15 (b) A website, the primary purpose of which is the facilitation of
16 commercial transactions involving goods or services between its
17 members or visitors;

18 (c) A website, the primary purpose of which is the dissemination
19 of news; or

20 (d) A website of a governmental entity.

21 **2. A person commits the offense of unlawful internet**
22 **communication with a minor if:**

23 **(1) Such person has been found guilty of:**

24 **(a) Any of the provisions of this chapter;**

25 **(b) Incest under section 568.020;**

26 **(c) Endangering the welfare of a child in the first degree under**
27 **section 568.045;**

28 **(d) Use of a child in a sexual performance under section 568.080;**

29 **(e) Promoting a sexual performance by a child under section**
30 **568.090;**

31 **(f) Sexual exploitation of a minor under section 573.023;**

32 **(g) Promoting child pornography in the first degree under**
33 **section 573.025;**

34 **(h) Promoting child pornography in the second degree under**
35 **section 573.035;**

36 **(i) Possession of child pornography under section 573.037; or**

37 **(j) Furnishing pornographic material to minors under section**
38 **573.040; and**

39 **(2) Such person knowingly violates a condition of probation,**
40 **parole, or supervised release that prohibits such person from using a**
41 **social networking website or an instant messaging or chat room**
42 **program to communicate, directly or through an intermediary, with a**
43 **child less than sixteen years of age.**

44 **3. Unlawful internet communication with a minor is a class A**
45 **misdemeanor unless the person has previously been found guilty of an**
46 **offense under this section, in which case it is a class D felony.**

47 **4. It is a defense to prosecution under this section that the**
48 **person reasonably believed that the child was at least sixteen years of**
49 **age.**

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