

# SENATE BILL NO. 1224

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5392S.04I

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to the offense of providing obscene material to a student, with penalty provisions.

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

Section A. Chapter 573, RSMo, is amended by adding thereto  
2 one new section, to be known as section 573.550, to read as  
3 follows:

573.550. 1. A person commits the offense of providing  
2 obscene material to a student if such person is affiliated  
3 with a public or private elementary or secondary school in  
4 an official capacity and, knowing of its content and  
5 character, such person provides, assigns, supplies,  
6 distributes, loans, or coerces acceptance of or approving of  
7 the providing of obscene material to a student or possesses  
8 with the purpose of providing, assigning, supplying,  
9 distributing, loaning, or coercing acceptance of or  
10 approving of the providing of obscene material to a student.

11 2. The offense of providing obscene material to a  
12 student is a class A misdemeanor.

13 3. As used in this section, the following terms shall  
14 mean:

15 (1) "Person affiliated with a public or private  
16 elementary or secondary school in an official capacity", an  
17 administrator, teacher, librarian, media center personnel,  
18 substitute teacher, teacher's assistant, student teacher,

19 law enforcement officer, school board member, school bus  
20 driver, guidance counselor, coach, guest lecturer, guest  
21 speaker, or other nonschool employee who is invited to  
22 present information to students by a teacher, administrator,  
23 or other school employee. Such term shall not include a  
24 student enrolled in the elementary or secondary school;

25 (2) "Obscene material", any material or performance  
26 if, taken as a whole:

27 (a) Applying contemporary community standards, its  
28 predominant appeal is to prurient interest in sex;

29 (b) The average person, applying contemporary  
30 community standards, would find the material depicts or  
31 describes sexual conduct in a patently offensive way; and

32 (c) A reasonable person would find the material lacks  
33 serious literary, artistic, political, or scientific value.

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