

SENATE BILL NO. 1330

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

4949S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 182, RSMo, by adding thereto one new section relating to civil actions for furnishing or allowing access of pornographic materials to minors.

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

Section A. Chapter 182, RSMo, is amended by adding thereto
2 one new section, to be known as section 182.835, to read as
3 follows:

**182.835. 1. As used in this section, the following
2 terms mean:**

3 (1) "Furnish", to issue, give, lend, mail, deliver,
4 transfer, circulate, disseminate, present, exhibit, or
5 otherwise provide;

6 (2) "Pornographic materials to a minor", any written,
7 printed, or visual material if:

8 (a) The average person, applying contemporary
9 community standards, would find that the material or
10 performance, taken as a whole, has a tendency to cater or
11 appeal to a prurient interest of minors;

12 (b) The material or performance depicts or describes
13 nudity, sexual conduct, the condition of human genitals when
14 in a state of sexual stimulation or arousal, or
15 sadomasochistic abuse in a way which is patently offensive
16 to the average person applying contemporary adult community
17 standards with respect to what is suitable for minors; or

18 (c) The material or performance, taken as a whole,
19 lacks serious literary, artistic, political, or scientific
20 value for minors.

21 2. Except as provided by section 182.827, a public
22 library, a library board, a member, officer, or trustee of a
23 library board, or any librarian, employee, or agent of a
24 library or library board shall be held liable for damages
25 for furnishing or allowing access of pornographic materials
26 to a minor, regardless if the contents and character of the
27 pornographic materials are known to the public library,
28 library board, member, officer, or trustee of a library
29 board, or librarian, employee, or agent of a library or
30 library board.

31 3. Any action for furnishing or allowing access of
32 pornographic materials to a minor brought pursuant to this
33 section shall be commenced within fifteen years of the date
34 such public library, library board, member, officer, or
35 trustee of a library board, or any librarian, employee, or
36 agent of a library or library board furnished or allowed
37 access of pornographic materials to a minor.

38 4. (1) In any action for furnishing or allowing
39 access of pornographic materials to a minor brought pursuant
40 to this section, a prevailing plaintiff shall recover at
41 least twenty-five thousand dollars for each occurrence
42 irrespective of the number of defendants, except such
43 damages shall not exceed one hundred thousand dollars for
44 all claims arising out of a single occurrence.

45 (2) In addition to the damages as provided by
46 subdivision (1) of this subsection, a prevailing plaintiff
47 shall be entitled to attorney's fees and court costs.

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