

SENATE BILL NO. 1492

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

5965S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 573.550, RSMo, and to enact in lieu thereof one new section relating to the offense of providing explicit sexual material to a student, with penalty provisions.

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

Section A. Section 573.550, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 573.550,
3 to read as follows:

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

12 2. The offense of providing explicit sexual material
13 to a student is a class **[A misdemeanor]** **E felony**.

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

16 (1) "Explicit sexual material", any pictorial, three-
17 dimensional, or visual depiction, including any photography,
18 film, video, picture, or computer-generated image, showing

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 human masturbation, deviate sexual intercourse as defined in
20 section 566.010, sexual intercourse, direct physical
21 stimulation of genitals, sadomasochistic abuse, or
22 emphasizing the depiction of postpubertal human genitals;
23 provided, however, that works of art, when taken as a whole,
24 that have serious artistic significance, or works of
25 anthropological significance, or materials used in science
26 courses, including but not limited to materials used in
27 biology, anatomy, physiology, and sexual education classes
28 shall not be deemed to be within the foregoing definition;

29 (2) "Person affiliated with a public or private
30 elementary or secondary school in an official capacity", an
31 administrator, teacher, librarian, media center personnel,
32 substitute teacher, teacher's assistant, student teacher,
33 law enforcement officer, school board member, school bus
34 driver, guidance counselor, coach, guest lecturer, guest
35 speaker, or other nonschool employee who is invited to
36 present information to students by a teacher, administrator,
37 or other school employee. Such term shall not include a
38 student enrolled in the elementary or secondary school.

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