

SECOND REGULAR SESSION

SENATE BILL NO. 670

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEY.

Read 1st time January 7, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2961.011

AN ACT

To repeal sections 573.040 and 573.060, RSMo 1994, relating to the exposure of minors to online pornography, and to insert in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 573.040 and 573.060, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 573.040 and 573.060, to read as follows:

573.040. 1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he:

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; [or]

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; **or**

(3) Uses an interactive computer service to send material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor.

2. Furnishing pornographic material to minors is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense under this section committed at a different time, in which case it is a class D felony.

573.060. 1. A person commits the crime of public display of explicit sexual material if he

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

knowingly:

(1) Displays publicly explicit sexual material; [or]

(2) Fails to take prompt action to remove such a display from property in his possession after learning of its existence; **or**

(3) Uses any interactive computer service to display in a manner available to a minor in this state any explicit sexual material and does not take, in good faith, reasonable, effective and appropriate actions under the circumstances to restrict or prevent access by minors to such explicit sexual material to the extent that methods feasible under available technology allow such actions.

2. Public display of explicit sexual material is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense under this section committed at a different time, in which case it is a class D felony.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense.

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Bill

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