

FIRST REGULAR SESSION

SENATE BILL NO. 198

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUSE

Pre-filed December 31, 1998, and 1,000 copies ordered printed.

S0571.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to pornography and related offenses.

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

Section A. Chapter 573, RSMo, is amended by adding thereto one new section, to be known as section 573.120, to read as follows:

573.120. 1. If any person has been convicted of any offense defined in this chapter, a victim of such offense has a cause of action for damages against any person or entity who, by the manufacture, production, or wholesale distribution of any obscene material which was possessed or viewed by the person convicted of the offense, proximately caused such person, through his or her reading or viewing of the obscene material, to commit the violation. No victim may recover in any such action unless he or she proves by a preponderance of the evidence that the reading or viewing of the specific obscene material manufactured, produced, or distributed wholesale by the defendant proximately caused the person convicted of the violation to commit such violation.

2. The manufacturer, producer or wholesale distributor shall be liable to the victim for:

- (1) Actual damages incurred by the victim, including medical costs;**
- (2) Court costs and reasonable attorneys fees;**
- (3) Infliction of emotional distress;**
- (4) Pain and suffering; and**
- (5) Loss of consortium.**

3. Every action under this section shall be commenced within three years after the conviction for a violation of this chapter. However, if the victim was under

the age of eighteen years at the time of the conviction of the defendant for a violation of this chapter, an action under this section shall be commenced within three years after the victim attains the age of eighteen years.

4. For the purposes of this section the following terms shall mean:

(1) "Manufacturer", any individual, partnership, corporation, association, or other legal entity which manufactures, assembles or produces obscene material;

(2) "Producer", any individual, partnership, corporation, association, or other legal entity which finances or supervises, to any extent, the production or making of obscene material;

(3) "Wholesale distributor", any individual, partnership, corporation, association, or other legal entity which stands between the manufacturer and the retail seller in purchases, consignments, contracts for sale or rental of the obscene material.

✓

Bill

Copy