

SECOND REGULAR SESSION

HOUSE BILL NO. 2094

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

4886H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 573.040, RSMo, and to enact in lieu thereof one new section relating to the offense of furnishing pornographic material to minors, with penalty provisions.

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

Section A. Section 573.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 573.040, to read as follows:

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

(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) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. It is not a defense to a prosecution for a violation of this section that the person being furnished the pornographic material is a peace officer masquerading as a minor.

3. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is a class A misdemeanor unless the person has been found

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 guilty of an offense committed at a different time pursuant to this chapter, chapter 566 or
19 chapter 568, in which case it is a class E felony.

20 **4. The offense of furnishing pornographic material to minors or attempting to**
21 **furnish pornographic material to minors is a class D felony if the person furnishing the**
22 **material is a school employee as defined under section 167.800 and the minor is a**
23 **student; however, if such person has been found guilty of an offense committed at a**
24 **different time under this chapter, chapter 566, or chapter 568, the offense shall be a class**
25 **C felony.**

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