

# HOUSE BILL NO. 2700

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

5970H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to revenge pornography, with a penalty provision.

*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 573.105, to read as follows:

**573.105. 1. For the purposes of this section, the following terms shall mean:**

- (1) "Communications service", the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-internet-protocol services or is classified by the federal communications commission as enhanced or value-added. The term shall not include:**
- (a) Information services;**
  - (b) Installation or maintenance of wiring or equipment on a customer's premises;**
  - (c) The sale or rental of tangible personal property;**
  - (d) The sale of advertising, including, but not limited to, directory advertising;**
  - (e) Bad check charges;**
  - (f) Late payment charges;**

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           **(g) Billing and collection services; or**  
19           **(h) Internet access service, electronic mail service, electronic bulletin board service,**  
20 **or similar online computer services;**
- 21           **(2) "Disclose", transferring, publishing, distributing, exhibiting, advertising, or**  
22 **offering;**
- 23           **(3) "Interactive computer service", as defined in 47 U.S.C. 230(f);**
- 24           **(4) "Intimate parts", the naked genitals or pubic area of any individual, or the**  
25 **areola of an adult female;**
- 26           **(5) "Sexual act", penetration of the female sex organ by the male sex organ,**  
27 **whether an emission results, any act involving the genitals of one person and the mouth,**  
28 **tongue, hand, or anus of another person or any act involving any object touching or**  
29 **penetrating a person's genitals or anus.**
- 30           **2. An adult commits the crime of revenge pornography if he or she, knowing that**  
31 **he or she is not licensed or privileged to do so, purposely and knowingly with the intent to**  
32 **cause serious emotional distress:**
- 33           **(1) Photographs, films, videotapes, records, or otherwise reproduces in any manner,**  
34 **the image of another person whose intimate parts are exposed or who is engaged in a**  
35 **sexual act, without that person's consent and under circumstances in which a reasonable**  
36 **person would not expect to be observed; or**
- 37           **(2) Discloses any photograph, film, videotape, recording, or any other reproduction**  
38 **of the image of another person whose intimate parts are exposed or who is engaged in a**  
39 **sexual act, unless that person has consented to such disclosure.**
- 40           **3. The offense of revenge pornography is a class D felony.**
- 41           **4. It shall be a defense to any prosecution of the provisions of subsection 2 of this**  
42 **section if he or she is engaged in lawful law enforcement duties, lawful medical practices**  
43 **or treatment, forensic examination, certain legal proceedings, or the reporting of unlawful**  
44 **conduct, or the individual consents to the disclosure of the images in a public or**  
45 **commercial setting.**
- 46           **5. Nothing in this section shall be construed to impose liability on any provider of**  
47 **an interactive computer service or a communications service when the provider provides**  
48 **the transmission, storage, or caching of electronic communications or messages of others,**  
49 **other related telecommunications or commercial mobile radio service, or content provided**  
50 **by another person.**

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