

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 806

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time January 20, 2010, and ordered printed.

Read 2nd time January 25, 2010, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee February 11, 2010, with recommendation that the bill do pass.

Taken up for Perfection February 18, 2010. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4520S.01P

AN ACT

To amend chapters 43 and 537, RSMo, by adding thereto two new sections relating to pornography.

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

Section A. Chapters 43 and 537, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 43.413 and 537.049, to read as follows:

43.413. 1. As used in this section, the term "child pornography"
2 shall have the same meaning as defined in section 573.010.

3 2. Any law enforcement officer who recovers images or movies
4 of child pornography pursuant to a criminal investigation shall:

5 (1) Provide such images or movies to the Child Victim
6 Identification Program at the National Center for Missing and
7 Exploited Children in accordance with the center's guidelines;

8 (2) Request contact information from the Child Victim
9 Identification Program for the law enforcement agency that reported
10 the initial identification of the child, in order to verify the identity and
11 age of the victim; and

12 (3) Provide case information and contact information to the
13 Child Victim Identification Program in accordance with the National
14 Center for Missing and Exploited Children guidelines, in any case
15 where the law enforcement officer identifies a previously unidentified
16 victim of child pornography.

17 3. When any law enforcement officer submits a case for
18 prosecution that involves the production, promotion, or possession of

19 child pornography and the images or movies involved in the case depict
20 an identified victim, the law enforcement officer shall submit the
21 contact information of the agency that reported the initial
22 identification of the child, that was provided by the Child Victim
23 Identification Program at the National Center for Missing and
24 Exploited Children, to the prosecuting attorney or circuit attorney.

537.049. 1. Any person who, while less than fourteen years of
2 age, was a victim of a crime defined in sections 573.020, 573.023,
3 573.025, 573.030, 573.035, or 573.037 and who suffered physical or
4 psychological injury as a result of the production, promotion, or
5 possession of such pornographic or obscene images or movies, shall be
6 entitled to bring a civil action against the person who pleaded guilty
7 to or was found guilty of the offense, regardless of whether the victim
8 is now an adult. In any action brought under this section, a prevailing
9 plaintiff shall recover the actual damages such person sustained and
10 court costs, including reasonable attorney's fees. Actual damages shall
11 be deemed to be at least one hundred fifty thousand dollars.

12 2. Notwithstanding any other provisions of law to the contrary,
13 any action commenced under this section shall be filed within three
14 years after the later of:

15 (1) The final order in the related criminal case;

16 (2) The notification by a law enforcement agency to the victim
17 or the parent or guardian of the victim regarding the creation,
18 possession, or promotion of such images or movies; or

19 (3) The date the victim reaches the age of eighteen.

20 3. It is not a defense to a civil cause of action under this section
21 that the defendant did not know the victim or commit the abuse
22 depicted in any image of child pornography.

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