

SENATE BILL NO. 950

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3930S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 573.550, RSMo, and to enact in lieu thereof one new section relating to the offense of providing explicit sexual material to a student, with penalty provisions.

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

Section A. Section 573.550, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 573.550,
3 to read as follows:

573.550. 1. A person commits the offense of providing
2 explicit sexual material to a student if such person is
3 affiliated with a public or private elementary or secondary
4 school in an official capacity and, knowing of its content
5 and character, such person provides, assigns, supplies,
6 distributes, loans, or coerces acceptance of or the approval
7 of the providing of explicit sexual material to a student or
8 possesses with the purpose of providing, assigning,
9 supplying, distributing, loaning, or coercing acceptance of
10 or the approval of the providing of explicit sexual material
11 to a student.

12 2. The offense of providing explicit sexual material
13 to a student is a class A misdemeanor.

14 3. As used in this section, the following terms shall
15 mean:

16 (1) "Explicit sexual material", any **material**,
17 **including any written material or any** pictorial, three-
18 dimensional, or visual depiction, including any photography,

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

19 film, video, picture, or computer-generated image, showing
20 human masturbation, deviate sexual intercourse as defined in
21 section 566.010, sexual intercourse, direct physical
22 stimulation of genitals, sadomasochistic abuse, or
23 emphasizing the depiction of postpubertal human genitals[;
24 provided, however, that works of art, when taken as a whole,
25 that have serious artistic significance, or works of
26 anthropological significance, or materials used in science
27 courses, including but not limited to materials used in
28 biology, anatomy, physiology, and sexual education classes
29 shall not be deemed to be within the foregoing definition],
30 **if, taken as a whole:**

31 **(a) Applying contemporary community standards, its**
32 **predominant appeal is to a prurient interest in sex;**

33 **(b) The average person, applying contemporary**
34 **community standards, would find the material depicts or**
35 **describes sexual conduct in a patently offensive way; and**

36 **(c) A reasonable person would find the material lacks**
37 **serious literary, artistic, political, or scientific value;**

38 (2) "Person affiliated with a public or private
39 elementary or secondary school in an official capacity", an
40 administrator, teacher, librarian, media center personnel,
41 substitute teacher, teacher's assistant, student teacher,
42 law enforcement officer, school board member, school bus
43 driver, guidance counselor, coach, guest lecturer, guest
44 speaker, or other nonschool employee who is invited to
45 present information to students by a teacher, administrator,
46 or other school employee. Such term shall not include a
47 student enrolled in the elementary or secondary school.

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