HOUSE BILL NO. 705

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (14), WOOD, DAVIS (19), BIVINS, PORTWOOD, BOUGH, PARKER, CORCORAN, BRUNS, DEEKEN, WILDBERGER (Co-sponsors), SMITH (118), HOBBS, SHOEMAKER (8), BLAND, GREEN, RUPP, BLACK, PAGE, RUESTMAN, WILSON (130), STEVENSON, QUINN, CRAWFORD, REINHART, MARSH, ERVIN, JACKSON, GUEST, AVERY, TAYLOR, WASSON, BAKER, KING, SELF, VILLA, EMERY, JONES, WILSON (119), MILLER, VIEBROCK, SCHLOTTACH, LEMBKE, WRIGHT, DETHROW, JOHNSON (61), MUNZLINGER, HUNTER, DIXON, ICET, PURGASON, NIEVES, CUNNINGHAM (86), BEHNEN, KELLY (144), SCHNEIDER AND WALLACE.

Read 1ˢᵗ time March 19, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2134L.01I

AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to child pornography, with penalty provisions.

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 573.230, to read as follows:

573.230. **The attorney general shall notify a web site operator of a child pornography site or sites residing on the web site operator's server after a review by the attorney general determining the identified site or sites contain child pornography as defined in section 573.010. For the purpose of this section, the attorney general shall notify in writing the person designated by the web site operator to receive such notice, or in the absence of a designation by the web site operator, the chief legal officer of the web site operator, or in the absence of a chief legal officer, the executive officer of the web site operator. If the web site operator takes action to remove the alleged child pornography from its servers after receiving such notice, it shall be immune from suit for its decision to do so. If the web site operator does not promptly remove the alleged child pornography, the attorney general may seek a judicial determination that the material is child pornography and an order requiring its removal from the web site operator's server within thirty days of the issuance of the order. Failure to remove child pornography in response to such an order shall be punished as contempt of court and subject to criminal penalties as set out in sections 573.025 and 573.035.**