

HCS SS SCS SB 5 -- SEXUAL OFFENSES AGAINST CHILDREN

SPONSOR: Loudon (Cox)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 9 to 0.

This substitute changes the laws regarding sexual offenses against children. In its main provisions, the substitute:

- (1) Entitles any person who was the victim of certain sexual offenses as a child and who suffers from a physical or psychological injury or illness as a result to a civil action to recover actual damages resulting from the injury or illness within 10 years of reaching 21 years of age or within three years of the date the plaintiff discovers that the injury or illness was caused, whichever occurs later;
- (2) Clarifies that the crime of child pornography in the first degree includes child pornography of a child younger than 14 years of age or obscene material portraying what appears to be a child younger than 14 years of age;
- (3) Clarifies that the crime of child pornography in the second degree includes child pornography of a minor younger than 18 years of age or obscene material portraying what appears to be a minor younger than 18 years of age;
- (4) Requires that in any criminal proceeding, any property or material that constitutes child pornography will remain in the care, custody, and control of either the state or the court; and
- (5) Requires the Department of Public Safety to distribute grants to multijurisdictional enforcement groups that are investigating Internet sexual crimes against children.

The substitute contains an emergency clause.

FISCAL NOTE: Estimated Cost on General Revenue Fund of More than \$350,000 in FY 2008, FY 2009, and FY 2010. No impact on Other State Funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill allows certain victims of sexual offenses to have a civil cause of action against his or her predator, increases the penalties for the possession and distribution of child pornography, and makes it easier for prosecutors to prosecute child pornography cases.

Testifying for the bill were Senator Loudon; Andy Anderson, Boone County Sheriff's Department; Eric Zahn, Missouri Association of

Prosecuting Attorneys; Missouri Family Network; and Missouri Baptist Convention, Christian Life Commission.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say certain live performances that the bill addresses are afforded First Amendment protection; and therefore, the bill could be found unconstitutional. In addition, a homeowner's insurance policy could be subject to the civil action permitted in the bill.

Testifying on the bill were Motion Picture Association of America; and Missouri Insurance Coalition.