

SECOND REGULAR SESSION

HOUSE BILL NO. 1637

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor), ROORDA, NANCE, ERVIN, COX,
RUESTMAN, FAITH, PAGE, BIVINS, MOORE, SCHAD AND McGHEE (Co-sponsors).

Read 1st time January 15, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3722L.01I

AN ACT

To repeal section 573.040, RSMo, and to enact in lieu thereof one new section relating to furnishing pornographic material to minors, with a penalty provision.

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

Section A. Section 573.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 573.040, to read as follows:

573.040. 1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he or she:

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

(3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor; or

(4) **Engages in any type of lewd communication or conversation which is pornographic for minors via the Internet, including but not limited to chatrooms,**

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.

15 electronic mail, and instant messaging, with a minor knowing that the person being
16 communicated to or conversed with is a minor or acting in reckless disregard of the
17 likelihood that such a person is a minor.

18 **2. It is not an affirmative defense to a prosecution for a violation of this section that**
19 **the other person was a peace officer masquerading as a minor.**

20 [2.] **3.** Furnishing pornographic material to minors is a class [A misdemeanor] **D felony**
21 unless the person has pleaded guilty to or has been found guilty of an offense committed at a
22 different time pursuant to this chapter, chapter 566 or chapter 568, RSMo, in which case it is a
23 class [D] **C felony.**

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