

SECOND REGULAR SESSION

HOUSE BILL NO. 1638

94TH GENERAL ASSEMBLY

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

Read 1st time January 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3863L.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Section A. Section 573.040, RSMo, is repealed and one new section enacted in lieu
2 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
2 if, knowing its content and character, he or she:

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

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

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

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.

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

✓