

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 621, Page 17, Section 542.375, Line 30, by  
2 inserting after all of said line the following:

3  
4 "566.157. 1. For purposes of this section, the following terms mean:

5 (1) "Instant messaging or chat room program", a program that allows a form of real time text  
6 communication between two or more people via computers connected over a network such as the internet, or  
7 between cell phone or wireless communication device users, or over a cell phone or wireless communication  
8 device network;

9 (2) "Social networking website", a website that allows users to create web pages or profiles about  
10 themselves that are available to the general public, or to any other users, and offers a mechanism for  
11 communication among users. Social networking website shall not include any of the following:

12 (a) A website that provides only one of the following services: photo-sharing, electronic mail, or  
13 instant messaging;

14 (b) A website, the primary purpose of which is the facilitation of commercial transactions involving  
15 goods or services between its members or visitors;

16 (c) A website, the primary purpose of which is the dissemination of news; or

17 (d) A website of a governmental entity.

18 2. A person commits the offense of unlawful internet communication with a minor if:

19 (1) Such person has been found guilty of:

20 (a) Any of the provisions of this chapter;

21 (b) Incest under section 568.020;

22 (c) Endangering the welfare of a child in the first degree under section 568.045;

23 (d) Use of a child in a sexual performance under section 568.080;

24 (e) Promoting a sexual performance by a child under section 568.090;

25 (f) Sexual exploitation of a minor under section 573.023;

26 (g) Promoting child pornography in the first degree under section 573.025;

27 (h) Promoting child pornography in the second degree under section 573.035;

28 (i) Possession of child pornography under section 573.037; or

29 (j) Furnishing pornographic material to minors under section 573.040; and

30 (2) Such person knowingly violates a condition of probation, parole, or supervised release that  
31 prohibits such person from using a social networking website or an instant messaging or chat room program to  
32 communicate, directly or through an intermediary, with a child less than sixteen years of age.

33 3. Unlawful internet communication with a minor is a class A misdemeanor unless the person has  
34 previously been found guilty of an offense under this section, in which case it is a class D felony.

35 4. It is a defense to prosecution under this section that the person reasonably believed that the child  
36 was at least sixteen years of age."; and

37  
38 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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Action Taken \_\_\_\_\_ Date \_\_\_\_\_