

SECOND REGULAR SESSION

# HOUSE BILL NO. 1545

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HAEFNER (Sponsor), FRANKLIN, CONWAY (104), MONTECILLO,  
LICHTENEGGER AND LANT (Co-sponsors).

5237H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to the offense of unlawful internet communication with a minor, with penalty provisions.

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

Section A. Chapter 566, RSMo, is amended by adding thereto one new section, to be known as section 566.157, to read as follows:

**566.157. 1. For purposes of this section, the following terms mean:**

- (1) "Instant messaging or chat room program", a program that allows a form of real time text communication between two or more people via computers connected over a network such as the internet, or between cell phone or wireless communication device users, or over a cell phone or wireless communication device network;
- (2) "Social networking website", a website that allows users to create web pages or profiles about themselves that are available to the general public, or to any other users, and offers a mechanism for communication among users. Social networking website shall not include any of the following:
- (a) A website that provides only one of the following services: photo-sharing, electronic mail, or instant messaging;
  - (b) A website, the primary purpose of which is the facilitation of commercial transactions involving goods or services between its members or visitors;
  - (c) A website, the primary purpose of which is the dissemination of news; or
  - (d) A website of a governmental entity.

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.

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

18           **(1) Such person has been found guilty of:**

19           **(a) Any of the provisions of this chapter;**

20           **(b) Incest under section 568.020;**

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

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

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

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

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

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

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

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

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

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

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

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