

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2064, Page 3, Section 193.265, Line 81,
2 by inserting after the first instance of the word "attorney," the phrase "the secretary of state"; and

3
4 Further amend said bill, Page 24, Section 454.1050, Line 49, by inserting after said section and line
5 the following:

6
7 "456.950. 1. As used in this section, "qualified spousal trust" means a trust:

8 (1) The settlors of which are married to each other at the time of the creation of the trust;
9 and

10 (2) The terms of which provide that during the joint lives of the settlors or the life of the sole
11 surviving settlor all property transferred to, or held by, the trustee are:

12 (a) Held and administered in one trust for the benefit of both settlors, which may be
13 revocable by either settlor or both settlors while either or both are alive, and by one settlor after the
14 death or incapacity of the other, and each settlor having the right to receive distributions of income
15 or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the
16 joint lives of the settlors and for the survivor's life; or

17 (b) Held and administered in two or more separate shares of one trust for the benefit of each
18 or both of the settlors, with the trust revocable by each settlor with respect to that settlor's separate
19 share of that trust without the participation or consent of the other settlor, and each settlor having the
20 right to receive distributions of income or principal, whether mandatory or within the discretion of
21 the trustee, from that settlor's separate share for that settlor's life; or

22 (c) Held and administered under the terms and conditions contained in paragraphs (a) and
23 (b) of this subdivision.

24 2. A qualified spousal trust may contain any other trust terms that are not inconsistent with
25 the provisions of this section, including, without limitation, a discretionary power to distribute trust
26 property to a person in addition to a settlor.

27 3. All property at any time held in a qualified spousal trust, without regard to how such
28 property was titled prior to it being so held^[5]:

29 (1) Shall have the same immunity from the claims of a separate creditor of either settlor as if
30 such property were held outside the trust by the settlors as tenants by the entirety, unless otherwise
31 provided in writing by the settlor or settlors who transferred such property to the trust, and such

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1 property shall be treated for that purpose, including without limitation, federal and state bankruptcy
 2 laws, as tenants by entirety property [~~Property held in a qualified spousal trust~~];

3 (2) With the exception of any written financial obligations, written guarantees, or secured or
 4 unsecured transactions executed by the settlors and held in a qualified spousal trust, shall continue
 5 to be immune and exempt from attachment during the life of the surviving settlor to the extent the
 6 property was held in a qualified spousal trust prior to the death of the first settlor and remains in a
 7 qualified spousal trust. This includes any property appreciation; and

8 (3) Shall cease to receive immunity from the claims of creditors upon the dissolution of
 9 marriage of the settlors by a court.

10 4. As used in this section, "property" means any interest in any type of property held in a
 11 qualified spousal trust, the income thereon, and any property into which such interest, proceeds, or
 12 income may be converted.

13 5. Upon the death of each settlor, all property held by the trustee of the qualified spousal
 14 trust shall be distributed as directed by the then current terms of the governing instrument of such
 15 trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased settlor's
 16 interest in the qualified spousal trust was then held or deemed to be held in such settlor's separate
 17 share, the property held in such settlor's separate share may pass into an irrevocable trust for the
 18 benefit of the surviving settlor or other beneficiary upon such terms as the governing instrument
 19 shall direct, including without limitation a spendthrift provision as provided in section 456.5-502.

20 Property may be held in or transferred to a settlor's joint or separate share of a trust:

21 (1) By designation under the current terms of the governing instrument of such trust;

22 (2) According to the specific titling of property or other designation that refers to such joint
 23 or separate share of such trust; or

24 (3) By designation to the trustee as the owner as provided in section 456.1-113.

25 6. The respective rights of settlors who are married to each other in any property for
 26 purposes of a dissolution of the settlors' marriage shall not be affected or changed by reason of the
 27 transfer of that property to, or its subsequent administration as an asset of, a qualified spousal trust
 28 during the marriage of the settlors, unless both settlors expressly agree otherwise in writing.

29 7. No transfer to a qualified spousal trust shall avoid or defeat the Missouri uniform
 30 fraudulent transfer act in chapter 428.

31 8. This section shall apply to all trusts which fulfill the criteria set forth in this section for a
 32 qualified spousal trust regardless of whether such trust was created before, on, or after August 28,
 33 2011."; and

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 35 Further amend said bill, Page 44, Section 510.521, Line 2, by inserting after said section and line the
 36 following:

37
 38 "537.025. 1. This section shall be known and may be cited as "Jaxx's Law".

39 2. For the purposes of any civil action in this state or for any civil action arising out of acts
 40 or omissions occurring within this state, including a wrongful death action, an unborn child shall not

1 be considered an employee of a business located within this state, of a business conducting business
2 within this state, or of a state agency of the state of Missouri. For purposes of this section, "unborn
3 child" has the same meaning as provided under section 188.015.

4 537.104. 1. As used in this section, the following terms mean:

5 (1) "Commercial entity", includes corporations, limited liability companies, partnerships,
6 limited partnerships, sole proprietorships, or other legally recognized entities;

7 (2) "Distribute", to issue, sell, give, provide, deliver, transfer, transmute, circulate, or
8 disseminate by any means;

9 (3) "Internet", the international computer network of both federal and nonfederal
10 interoperable packet-switched data networks;

11 (4) "Material harmful to minors", all of the following:

12 (a) Any material that the average person, applying contemporary community standards,
13 would find taking the material as a whole and with respect to minors is designed to appeal to, or is
14 designed to pander to, the prurient interest;

15 (b) Any of the following material that exploits, is devoted to, or principally consists of
16 descriptions of actual, simulated, or animated display or depiction of any of the following, in a
17 manner patently offensive with respect to minors:

18 a. Pubic hair, anus, vulva, genitals, or nipple of the female breast;

19 b. Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

20 c. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation,
21 excretory functions, exhibitions, or any other sexual act; and

22 (c) The material taken as a whole lacks serious literary, artistic, political, or scientific value
23 for minors;

24 (5) "Minor", any person under eighteen years of age;

25 (6) "News-gathering organization", any of the following:

26 (a) An employee of a newspaper, news publication, or news source, printed or on an online
27 or mobile platform, of current news and public interest, while operating as an employee as provided
28 in this paragraph, who can provide documentation of such employment with the newspaper, news
29 publication, or news source; or

30 (b) An employee of a radio broadcast station, television broadcast station, cable television
31 operator, or wire service while operating as an employee as provided in this paragraph, who can
32 provide documentation of such employment;

33 (7) "Publish", to communicate or make information available to another person or entity on
34 a publicly available internet website;

35 (8) "Reasonable age verification methods", include verifying that the person seeking to
36 access the material is eighteen years of age or older by using any of the following methods:

37 (a) Provide a digitized identification card; or

38 (b) Require the person attempting to access the material to comply with a commercial age
39 verification system that verifies in one or more of the following ways:

1 a. Government-issued identification; or

2 b. Any commercially reasonable method that relies on public or private transactional data to
 3 verify the person attempting to access the information is at least eighteen years of age or older;

4 (9) "Substantial portion", more than thirty-three and one-third percent of total material on a
 5 website that meets the definition of material harmful to minors;

6 (10) "Transactional data", a sequence of information that documents an exchange,
 7 agreement, or transfer between an individual, commercial entity, or third party used for the purpose
 8 of satisfying a request or event. Transactional data can include, but is not limited to, records from
 9 mortgage, education, and employment entities.

10 2. (1) Any commercial entity that knowingly or intentionally publishes or distributes
 11 material harmful to minors on the internet from a website that contains a substantial portion of such
 12 material shall be held liable if the entity fails to perform reasonable age verification methods to
 13 verify the age of individuals attempting to access the material.

14 (2) Any commercial entity or third party that performs the required age verification shall not
 15 retain any identifying information of the individual after access has been granted to the material.

16 (3) (a) Any commercial entity that is found to have violated this section shall be liable to an
 17 individual for damages resulting from a minor accessing the material. Such damages shall include a
 18 minimum award of twenty thousand dollars for each violation and court costs and reasonable
 19 attorney's fees as ordered by the court.

20 (b) A commercial entity that is found to have knowingly retained identifying information of
 21 the individual after access has been granted to the individual shall be liable to the individual for
 22 damages resulting from retaining the identifying information. Such damages shall include a
 23 minimum award of twenty thousand dollars for each violation and court costs and reasonable
 24 attorney's fees as ordered by the court.

25 3. (1) The provisions of this section shall not apply to any bona fide news or public interest
 26 broadcast, website video, report, or event and shall not be construed to affect the rights of any news-
 27 gathering organizations.

28 (2) No internet service provider or its affiliates or subsidiaries, search engine, or cloud
 29 service provider shall be held to have violated the provisions of this section for providing access or
 30 connection to or from a website or other information or content on the internet or a facility, system,
 31 or network not under that provider's control, including transmission, downloading, storage, access
 32 software, or other to the extent such provider is not responsible for the creation of the content of the
 33 communication that constitutes material harmful to minors."; and

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 35 Further amend said bill, Pages 44-45, Section 537.106, Lines 1-25, by deleting said section and
 36 lines; and

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