

SECOND REGULAR SESSION

# HOUSE BILL NO. 1543

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLEMAN.

2982H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 573.550, RSMo, and to enact in lieu thereof one new section relating to the offense of providing explicit sexual material to a student, with a penalty provision.

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

Section A. Section 573.550, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 573.550, to read as follows:

573.550. 1. A person commits the offense of providing explicit sexual material to a student if such person is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or coerces acceptance of or the approval of the providing of explicit sexual material to a student or possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or the approval of the providing of explicit sexual material to a student.

2. The offense of providing explicit sexual material to a student is a class A misdemeanor.

3. As used in this section, the following terms shall mean:

(1) "Explicit sexual material", any **material, including any written material or any pictorial, three-dimensional, or visual depiction, including any photography, film, video, picture, or computer-generated image, showing human masturbation, deviate sexual intercourse as defined in section 566.010, sexual intercourse, direct physical stimulation of genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals** [~~is provided, however, that works of art, when taken as a whole, that have serious artistic significance, or works of anthropological significance, or materials used in science courses,~~

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.

18 ~~including but not limited to materials used in biology, anatomy, physiology, and sexual~~  
19 ~~education classes shall not be deemed to be within the foregoing definition], if, taken as a~~  
20 **whole:**

21 **(a) Applying contemporary community standards, its predominant appeal is to**  
22 **prurient interest in sex;**

23 **(b) The average person, applying contemporary community standards, would**  
24 **find the material depicts or describes sexual conduct in a patently offensive way; and**

25 **(c) A reasonable person would find the material lacks serious literary, artistic,**  
26 **political, or scientific value;**

27 (2) "Person affiliated with a public or private elementary or secondary school in an  
28 official capacity", an administrator, teacher, librarian, media center personnel, substitute  
29 teacher, teacher's assistant, student teacher, law enforcement officer, school board member,  
30 school bus driver, guidance counselor, coach, guest lecturer, guest speaker, or other nonschool  
31 employee who is invited to present information to students by a teacher, administrator, or  
32 other school employee. Such term shall not include a student enrolled in the elementary or  
33 secondary school.

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