

SENATE BILL NO. 527

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

0884S.03I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to adult websites, with penalty provisions.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.2095, to read as follows:

407.2095. 1. For purposes of this section, the following terms shall mean:

(1) "Commercial entity", a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or another legally recognized entity;

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

(3) "Minor", any person less than eighteen years of age;

(4) "News-gathering organization", any newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, radio broadcast station, television broadcast station, or cable television operator focused on delivering news to the general public;

(5) "Restricted material", any material that is obscene, as defined in section 573.010, or depicts:

(a) Explicit sexual material, as defined in section 573.010;

- 21 (b) Nudity, as defined in section 573.010; or
22 (c) Sexually explicit conduct, as defined in section
23 573.010.

24 2. A commercial entity shall not grant access or
25 distribute to a minor restricted material on the internet
26 from a website that contains the material.

27 3. Any individual may report violations of this
28 section to the attorney general. If the attorney general
29 finds that a commercial entity violated provisions of this
30 section, the attorney general shall bring a civil action
31 against the commercial entity in a court of competent
32 jurisdiction.

33 4. If the court finds that a commercial entity violated
34 provisions of this section, the court may grant actual
35 damages, injunctive relief, civil penalties not to exceed
36 twenty-five thousand dollars for each day of the violation,
37 attorney fees, and any other relief the court finds
38 appropriate.

39 5. This section shall not be construed to affect the
40 rights of any news-gathering organization.

41 6. This section shall not apply to any internet
42 service provider, or its affiliates or subsidiaries, search
43 engine, or cloud service provider that provides access or
44 connection to or from a website or other information or
45 content on the internet or a facility, system, or network
46 not under the control of that provider, including
47 transmission, downloading, intermediate storage, access
48 software, or other related capabilities, to the extent the
49 provider is not responsible for the creation of the content
50 of the communication that constitutes restricted material.

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