

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 250
97TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 4, 2013, with recommendation that the Senate Committee Substitute do pass.

1353S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 573.037, RSMo, and to enact in lieu thereof one new section relating to possession of child pornography, with penalty provisions.

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

Section A. Section 573.037, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 573.037, to read as follows:

573.037. 1. A person commits the [crime] **offense** of possession of child pornography if such person knowingly or recklessly possesses any child pornography of a minor [under the age of] **less than eighteen years old** or obscene material portraying what appears to be a minor [under the age of] **less than eighteen years old**.

2. **The offense of** possession of child pornography is a class C felony [unless] **if the person possesses one still image of child pornography or one obscene still image. The offense of possession of child pornography is a class B felony if** the person:

(1) Possesses:

(a) More than twenty still images of child pornography[, possesses]; **or**

(b) **More than twenty obscene still images; or**

(c) **Child pornography comprised of** one motion picture, film, videotape, videotape production, or other moving image [of child pornography,]; **or**

(d) **Obscene material comprised of one motion picture, film, videotape production, or other moving image; or**

(2) Has **previously** pleaded guilty to or has been found guilty of an

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 offense under this section[, in which case it is a class B felony].

20 **3. A person who has committed the offense of possession of child**
21 **pornography is subject to separate punishments for each item of child**
22 **pornography or obscene material possessed by the person.**

✓

Unofficial

Bill

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