

FIRST REGULAR SESSION

HOUSE BILL NO. 390

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), WALTON, HARRIS (110), OXFORD, LeVOTA, LAMPE, YAEGER, JOHNSON (90), STORCH, BURNETT, SALVA, AULL, ROORDA, MEADOWS, CASEY, WITTE, VILLA, FRASER, DONNELLY, WRIGHT-JONES, ZWEIFEL, SATER, JOLLY, BROWN (50), GEORGE, SCHOEMEHL, WAGNER, JOHNSON (61), MEINERS, BAKER (25), SHOEMYER, DAUS, HAYWOOD, KRATKY, BLAND, WILDBERGER, LIESE, SCHNEIDER, PAGE, HUBBARD, SPRENG, HOSKINS, RUCKER, ROBINSON, BOWMAN, KUESSNER, SWINGER, BOYKINS, HENKE, SELBY, DARROUGH AND ROBB (Co-sponsors).

Read 1st time January 27, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1006L.011

AN ACT

To repeal section 568.070, RSMo, and to enact in lieu thereof one new section relating to unlawful transactions with a child, with penalty provisions.

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

Section A. Section 568.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.070, to read as follows:

568.070. 1. A person commits the crime of unlawful transactions with a child if:

(1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, he **or she** with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or

(2) [He] **Such person** knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in chapter 195, RSMo, is maintained or conducted; or

(3) [He] **Such person** with criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in section 320.110, RSMo, to a child under the age of fourteen, unless the child's custodial parent or guardian has

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.

12 consented in writing to the transaction. Criminal negligence as to the age of the child is not an
13 element of this crime; or

14 **(4) Being a wholesaler or retailer or any employee of such person knowingly sells,**
15 **rents, or otherwise makes available a video game rated M (mature) or AO (adults only) by**
16 **the entertainment software rating board, herein after the ESRB, to any person under the**
17 **age of seventeen. It is no defense to a violation under this subsection that the defendant**
18 **believed the person to be seventeen years of age or older unless the defendant requested**
19 **identification from the person which contained both a photograph and date of birth**
20 **purporting to show that the individual was seventeen years of age or older, and examined**
21 **such identification before selling, renting, or otherwise making a video game rated M or**
22 **AO available to the person.**

23 **2. All retailers and manufacturers of video games in this state shall be required to**
24 **label video games according to the ESRB rating system.**

25 **3. All retailers shall post signs explaining the ESRB video game rating system and**
26 **provide ratings informational brochures on-site.**

27 [2.] **4. Unlawful transactions with a child is a class B misdemeanor unless committed**
28 **pursuant to subdivision (4) of subsection 1 of this section in which case it is a class A**
29 **misdemeanor.**

30 **5. A retailer or manufacturer who fails to label a video game pursuant to the**
31 **provisions of subsection 2 of this section shall be fined in the amount of one thousand**
32 **dollars for each of the first three instances in which such retailer or manufacturer failed**
33 **to label such games and shall be fined in the amount of five thousand dollars for each**
34 **subsequent instance.**

35 **6. A retailer who fails to post signs explaining the ESRB video game rating system**
36 **pursuant to the provisions of subsection 3 of this section shall be fined in the amount of one**
37 **thousand dollars for each of the first three days that such retailer fails to post such signs**
38 **and shall be fined in the amount of five thousand dollars for each subsequent day that such**
39 **retailer fails to post such signs.**

40 **7. A retailer who fails to provide ratings informational brochures on-site pursuant**
41 **to the provisions of subsection 3 of this section shall be fined in the amount of one thousand**
42 **dollars for each of the first three days that such retailer fails to provide such brochures and**
43 **shall be fined in the amount of five thousand dollars for each subsequent day that such**
44 **retailer fails to provide such brochures.**