

FIRST REGULAR SESSION

HOUSE BILL NO. 1102

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), LeVOTA, WILDBERGER, PAGE,
ROORDA, DARROUGH, HODGES AND LAMPE (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

2207L.03I

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Section A. Section 568.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.070, to read as follows: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 consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this crime[.] ; **or**

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.

14 **(4) Being a wholesaler or retailer or any employee of a wholesaler or retailer, such**
15 **person knowingly sells, rents, or otherwise makes available a video game which is rated M**
16 **(mature) or AO (adults only) by the entertainment software rating board, (ESRB) or a**
17 **video game which contains the mutilation of body parts, gore, depictions of human injury**
18 **or death, or an unrated game which contains the content mentioned in this subsection, to**
19 **any person under the age of seventeen. It is no defense to a violation under this subsection**
20 **that the defendant believed the person to be seventeen years of age or older unless the**
21 **defendant requested identification from the person which contained both a photograph**
22 **and date of birth purporting to show that the individual was seventeen years of age or**
23 **older, and examined such identification before selling, renting, or otherwise making a video**
24 **game as described in this section available to the person;**

25 **(5) Being a wholesaler or retailer or any employee of a wholesaler or retailer, such**
26 **person knowingly sells, rents, or otherwise makes available a video game which is rated M**
27 **(mature) or AO (adults only) by the entertainment software rating board (ESRB) or a**
28 **video game which contains graphic depictions of sexual behavior, including depictions of**
29 **rape or other violent sexual acts, or obscenity, defined as patently offensive depictions or**
30 **descriptions of sexual conduct, as defined in section 566.010, RSMo, including actual or**
31 **simulated, normal or perverted acts of human masturbation; deviate sexual intercourse;**
32 **sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic**
33 **area, buttocks, or the breast of a female in an act of apparent sexual stimulation or**
34 **gratification or any sadomasochistic abuse or acts including animals or any latent objects**
35 **in an act of apparent sexual stimulation or gratification, which appeal to the prurient**
36 **interest, and lack serious literary, artistic, political, or scientific value, or an unrated game**
37 **which contains the content mentioned in this subsection, to any person under the age of**
38 **seventeen. It is no defense to a violation under this subsection that the defendant believed**
39 **the person to be seventeen years of age or older unless the defendant requested**
40 **identification from the person which contained both a photograph and date of birth**
41 **purporting to show that the individual was seventeen years of age or older, and examined**
42 **such identification before selling, renting, or otherwise making a video game as described**
43 **in this section available to the person.**

44 **2. Unlawful transactions with a child is a class B misdemeanor, unless committed**
45 **under subdivision (4) or (5) of subsection 1 of this section in which case it is a class A**
46 **misdemeanor.**

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