

FIRST REGULAR SESSION

HOUSE BILL NO. 948

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOLSMAN.

1532L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 542, 565, and 575, RSMo, by adding thereto three new sections relating to crime, with penalty provisions.

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

Section A. Chapters 542, 565, and 575, RSMo, are amended by adding thereto three new sections, to be known as sections 542.510, 565.093, and 575.185, to read as follows:

542.510. 1. A person commits the crime of abuse of the internet if such person knowingly:

(1) And without consent of the other person unlawfully accesses any data, images, email, or any other information such person has or stores in their computer; or

(2) Creates an email account, social networking profile, blog, or other computer website which purports to be that of another or which contains false information, for the purpose of misleading another.

2. For a first offense abuse of the internet is a class C misdemeanor. For a second offense abuse of the internet is a class B misdemeanor. For a third or subsequent offense it is a class A misdemeanor.

565.093. 1. A person commits the crime of criminal defamation if such person communicates to a person orally, in writing, through any electronic or other computerized means, or by any other means, information, knowing the information to be false and with actual malice, tending to expose another living person to public hatred, contempt or ridicule; tending to degrade and vilify the memory of one who is dead and to scandalize or provoke surviving relatives and friends.

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.

7 **2. In all prosecutions under this section the truth of the information communicated**
8 **shall be admitted as evidence. It shall be a defense to a charge of criminal defamation if**
9 **it is found that such matter was true.**

10 **3. Criminal defamation for a first offense is a class C misdemeanor. For a second**
11 **offense it is a class B misdemeanor. For a third or subsequent offense it is a class A**
12 **misdemeanor.**

575.185. 1. A person commits the crime of failure to comply with a search warrant
2 **seeking computer-related identifying information if a law enforcement officer has obtained**
3 **a search warrant which seeks the IP address of any person from a webmaster or webhost**
4 **of a social networking profile, website or blog, or has obtained a search warrant which**
5 **seeks the name and any other identifying information registered to an IP address from an**
6 **IP server and such webmaster, webhost of a social networking profile, website or blog, or**
7 **IP server knowingly fails to comply with the search warrant within thirty calendar days**
8 **of the date the search warrant is served.**

9 **2. Failure to comply with a search warrant seeking computer-related identifying**
10 **information for a first offense is a class C misdemeanor. For a second offense it is a class**
11 **B misdemeanor. For a third or subsequent offense it is a class A misdemeanor.**