

SECOND REGULAR SESSION

HOUSE BILL NO. 1203

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLER.

5066H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 573, RSMo, by adding thereto one new section relating to revenge pornography, with a penalty provision.

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

Section A. Chapter 573, RSMo, is amended by adding thereto one new section, to be
2 known as section 573.105, to read as follows:

**573.105. 1. A person commits the crime of revenge pornography if he or she,
2 knowing that he or she is not licensed or privileged to do so, purposely and knowingly:**

**3 (1) Observes another person exposing intimate parts or engaging in a sexual act,
4 without that person's consent or under circumstances in which a reasonable person would
5 not expect to be observed;**

**6 (2) Photographs, films, videotapes, records, or otherwise reproduces in any manner,
7 the image of another person whose intimate parts are exposed or who is engaged in a
8 sexual act, without that person's consent and under circumstances in which a reasonable
9 person would not expect to be observed; or**

**10 (3) Discloses any photograph, film, videotape, recording or any other reproduction
11 of the image of another person whose intimate parts are exposed or who is engaged in a
12 sexual act, unless that person has consented to such disclosure.**

13 2. The offense of revenge pornography is a class D felony.

**14 3. It shall be a defense to any prosecution of the provisions of subsection 1 of this
15 section if he or she is engaged in lawful law enforcement duties, lawful medical practices
16 or treatment, certain legal proceedings, or the reporting of unlawful conduct, or the
17 individual consents to the disclosure of the images in a public or commercial setting.**

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.

18 **4. For the purposes of this section, the following terms shall mean:**

19 **(1) “Disclose”, transferring, publishing, distributing, exhibiting, advertising, or**
20 **offering;**

21 **(2) “Intimate parts”, the naked genitals or pubic area of any individual or the areola**
22 **of an adult female;**

23 **(3) “Sexual act”, penetration of the female sex organ by the male sex organ, whether**
24 **or not an emission results, or any act involving the genitals of one person and the mouth,**
25 **tongue or anus of another person.**

✓