

SECOND REGULAR SESSION

HOUSE BILL NO. 2338

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ALDRIDGE.

4574H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 67.2540, 67.2552, 77.570, 79.450, 99.103, 188.028, 191.656, 191.668, 210.110, 210.118, 210.145, 210.156, 226.531, 513.605, 545.940, 566.103, 566.223, 567.010, 567.020, 567.030, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.089, 567.090, 567.100, 567.110, 567.120, 573.503, 573.525, 573.531, 577.675, 578.421, 589.400, 589.414, 595.120, and 610.131, RSMo, and to enact in lieu thereof twenty-nine new sections relating to sexual conduct offenses, with penalty provisions.

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

Section A. Sections 67.2540, 67.2552, 77.570, 79.450, 99.103, 188.028, 191.656, 191.668, 210.110, 210.118, 210.145, 210.156, 226.531, 513.605, 545.940, 566.103, 566.223, 567.010, 567.020, 567.030, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.089, 567.090, 567.100, 567.110, 567.120, 573.503, 573.525, 573.531, 577.675, 578.421, 589.400, 589.414, 595.120, and 610.131, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 67.2540, 67.2552, 77.570, 79.450, 99.103, 188.028, 191.656, 191.668, 210.110, 210.118, 210.145, 210.156, 226.531, 513.605, 545.940, 566.103, 566.223, 567.010, 567.015, 567.080, 573.503, 573.525, 573.531, 577.675, 578.421, 589.400, 589.414, 595.120, and 610.131, to read as follows:

67.2540. As used in sections 67.2540 to 67.2556, the following terms mean:

(1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which persons regularly appear in a state of nudity, as defined in section 573.500, or seminudity in the performance of their duties;

(2) "Employee", a person who is at least twenty-one years of age and who performs any service on the premises of a sexually oriented business on a full-time, part-time, 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.

7 contract basis, whether or not the person is denominated an employee, independent
8 contractor, agent, or otherwise, and whether or not said person is paid a salary, wage, or other
9 compensation by the operator of said business. The term employee does not include a person
10 exclusively on the premises for repair or maintenance of the premises or equipment on the
11 premises, or for the delivery of goods to the premises;

12 (3) "Nudity" or a "state of nudity", the showing of the human male or female genitals,
13 pubic area, vulva, anus, anal cleft or anal cleavage with less than a fully opaque covering, the
14 showing of the female breast with less than a fully opaque covering of any part of the nipple,
15 or the showing of the covered male genitals in a discernibly turgid state;

16 (4) "Nuisance", any place in or upon which lewdness, assignation, or ~~[prostitution]~~ **an**
17 **unlawful commercial sex act** is conducted, permitted, continued, or exists, or any place, in
18 or upon which lewd, indecent, lascivious, or obscene films, or films designed to be projected
19 for exhibition, are photographed, manufactured, developed, screened, exhibited, or otherwise
20 prepared or shown, and the personal property and contents used in conducting and
21 maintaining any such place for any such purpose. The provisions of this section shall not
22 affect any newspaper, magazine, or other publication entered as second class matter by the
23 post office department;

24 (5) "Person", an individual, proprietorship, partnership, corporation, association, or
25 other legal entity;

26 (6) "Seminude" or in a "seminude condition", a state of dress in which opaque
27 clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and
28 areola of the female breast below a horizontal line across the top of the areola at its highest
29 point. Seminudity shall include the entire lower portion of the female breast, but shall not
30 include any portion of the cleavage of the human female breast exhibited by wearing apparel
31 provided the areola is not exposed in whole or part;

32 (7) "Sexually oriented business", an adult cabaret or any business which offers its
33 patrons goods of which a substantial or significant portion are sexually oriented material. It
34 shall be presumed that a business that derives thirty percent or less of its revenue from
35 sexually oriented materials is presumed not to be a sexually oriented business. No building,
36 premises, structure, or other facility that contains any sexually oriented business shall contain
37 any other kind of sexually oriented business;

38 (8) "Sexually oriented materials", any pictorial or three-dimensional material, or film,
39 motion picture, DVD, video cassette, or similar photographic reproduction, that depicts
40 nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined in section
41 573.010;

42 (9) "Specified criminal activity" includes the following offenses:

43 (a) ~~[Prostitution or promotion of prostitution]~~ **Unlawful commercial sex act;**
44 dissemination of obscenity; sale, distribution, or display of harmful material to a minor;
45 sexual performance by a child; possession or distribution of child pornography; public
46 lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity;
47 sexual assault; molestation of a child; gambling prohibited under Missouri law; or distribution
48 of a controlled substance; or any similar offenses described in this subdivision under the
49 criminal or penal code of other states or countries;

50 (b) For which:

51 a. Less than two years have elapsed since the date of conviction or the date of release
52 from confinement imposed for the conviction, whichever is the later date, if the conviction is
53 of a misdemeanor offense;

54 b. Less than five years have elapsed since the date of conviction or the date of release
55 from confinement for the conviction, whichever is the later date, if the conviction is of a
56 felony offense; or

57 c. Less than five years have elapsed since the date of the last conviction or the date of
58 release from confinement for the last conviction, whichever is the later date, if the convictions
59 are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring
60 within any twenty-four-month period;

61 (c) The fact that a conviction is being appealed shall not prevent a sexually oriented
62 business from being considered a nuisance and closed under section 67.2546;

63 (10) "Specified sexual activities" includes the following acts:

64 (a) The fondling or other erotic touching of human genitals, pubic region, buttocks,
65 anus, or female breasts;

66 (b) Sex acts, actual or simulated, including intercourse, oral copulation, masturbation,
67 or sodomy; or

68 (c) Excretory functions as part of or in connection with any of the activities set forth
69 in this subdivision.

67.2552. 1. It shall be a class A misdemeanor for a person, in a sexually oriented
2 business, to knowingly and intentionally appear in a state of nudity or depict, simulate, or
3 perform specified sexual activities.

4 2. It shall be a class A misdemeanor for a person to appear knowingly or intentionally
5 in a sexually oriented business in a seminude condition unless the person is an employee who,
6 while seminude, shall be at least ten feet from any patron or customer and on a stage at least
7 two feet from the floor and behind a railing no less than twenty-four inches in height.

8 3. It shall be a class A misdemeanor for an employee, while seminude, to touch a
9 customer or the clothing of a customer.

10 4. It shall be a class A misdemeanor if a person knowingly allows on the premises of
11 a sexually oriented business a person under the age of twenty-one years, except for a person
12 exclusively on the premises for repair or maintenance of the premises or equipment on the
13 premises, or for the delivery of goods to the premises.

14 5. The provisions of sections 67.2540 to 67.2552 are designed to protect the
15 following public policy interest of this state, including but not limited to: to mitigate the
16 adverse secondary effects of sexually oriented businesses, to limit harm to minors, and to
17 reduce ~~[prostitution]~~ **unlawful commercial sex acts**, crime, juvenile delinquency,
18 deterioration in property values and lethargy in neighborhood improvement efforts.

 77.570. The council shall enact ordinances to prohibit and suppress ~~[houses of~~
2 ~~prostitution and other]~~ disorderly houses and practices, ~~[and]~~ gambling houses, and all kinds
3 of public indecencies, and may prohibit the selling or giving intoxicating liquors to any minor
4 or habitual drunkard. The council shall also enact ordinances to restrain and prohibit riots,
5 noises, assaults and battery, petit larceny, disturbances of the peace, disturbances of religious
6 and other lawful assemblies, indecent shows, exhibitions or concerts in any street, house or
7 place in the city, disorderly assemblies, and to regulate, restrain and prevent the discharge of
8 firearms and the keeping and discharge of rockets, powder, fireworks or other dangerous
9 combustible materials in the streets or in the limits of the city.

 79.450. 1. The board of aldermen shall enact ordinances to prohibit and suppress
2 ~~[houses of prostitution and other]~~ disorderly houses and practices, including gambling and
3 gambling houses, and all kinds of public indecencies, and may prohibit the selling or giving
4 of intoxicating liquors to any minor or habitual drunkard.

5 2. The board of aldermen shall also enact ordinances to restrain and prohibit riots,
6 noises, assaults and batteries, disturbances of the peace, disturbances of religious and other
7 lawful assemblies, indecent shows, exhibitions or concerts in any street, house or place in the
8 city, disorderly assemblies, and to regulate, restrain and prevent the discharge of firearms, and
9 the keeping and discharge of rockets, powder, fireworks or other dangerous combustible
10 materials in the streets or in limits of the city.

11 3. The board of aldermen may also regulate and control the construction of buildings,
12 the construction and cleaning of fireplaces, chimneys, stoves and stovepipes, ovens, boilers,
13 kettles, forges or any apparatus used in any building, manufactory or business which may be
14 dangerous in causing or promoting fires, and may provide for the inspection of the same.

15 4. The board of aldermen may also provide by ordinance limits within which no
16 building shall be constructed except of brick or stone or other incombustible materials, with
17 fireproof roofs, and impose a penalty for the violation of such ordinance, and may cause
18 buildings commenced, put up or removed into such limits in violation of such ordinance, to be
19 removed or abated.

20 5. The board of aldermen may also purchase fire engines, hook and ladder outfits,
21 hose and hose carts, buckets and all other apparatus useful in the extinguishing of fires, and
22 organize fire companies and prescribe rules of duty for the government thereof, with such
23 penalties for the violation thereof as they may deem proper, and not exceeding one hundred
24 dollars and to make all necessary expenditures for the purchase of such fire apparatus and the
25 payment of such fire companies.

26 6. The board of aldermen may enact or make all ordinances, rules and regulations
27 necessary to carry out the purposes of this chapter.

28 7. The board of aldermen may enact or make all ordinances, rules and regulations, not
29 inconsistent with the laws of the state, expedient for maintaining the peace, good government
30 and welfare of the city and its trade and commerce.

 99.103. 1. In addition to the duties imposed by section 99.100, no housing authority
2 in any city with a population of four hundred thousand or more inhabitants, and whose
3 jurisdiction covers more than one county, shall rent or lease accommodations to any person
4 who, within the preceding five years, has been convicted of [~~a crime~~] **an offense** involving
5 [~~prostitution~~] **an unlawful commercial sex act** or the possession or sale of controlled
6 substances listed in schedule I and II of section 195.017, or whose dwelling unit is known to
7 have been the site of [~~crimes~~] **offenses** involving [~~prostitution~~] **unlawful commercial sex**
8 **acts** or the possession or sale of controlled substances listed in schedule I and II of section
9 195.017.

10 2. If a family which is living in accommodations rented or leased by the housing
11 authority becomes ineligible for such accommodations because a member of that family was
12 convicted of a crime listed in subsection 1 of this section, the remaining members of such
13 family may reapply to the board of commissioners of the housing authority for
14 accommodations.

 188.028. 1. Except in the case of a medical emergency, no person shall knowingly
2 perform or induce an abortion upon a pregnant woman under the age of eighteen years unless:

3 (1) The attending physician has secured the informed written consent of the minor
4 and one parent or guardian, and the consenting parent or guardian of the minor has notified
5 any other custodial parent in writing prior to the securing of the informed written consent of
6 the minor and one parent or guardian. For purposes of this subdivision, "custodial parent"
7 shall only mean a parent of a minor who has been awarded joint legal custody or joint
8 physical custody of such minor by a court of competent jurisdiction. Notice shall not be
9 required for any parent:

10 (a) Who has been found guilty of any offense in violation of chapter 565, relating to
11 offenses against the person; chapter 566, relating to sexual offenses; chapter 567, relating to

12 ~~[prostitution]~~ **unlawful commercial sexual acts**; chapter 568, relating to offenses against the
13 family; or chapter 573, related to pornography and related offenses, if a child was a victim;

14 (b) Who has been found guilty of any offense in any other state or foreign country, or
15 under federal, tribal, or military jurisdiction if a child was a victim, which would be a
16 violation of chapters 565, 566, 567, 568, or 573 if committed in this state;

17 (c) Who is listed on the sexual offender registry under sections 589.400 to 589.425;

18 (d) Against whom an order of protection has been issued, including a foreign order of
19 protection given full faith and credit in this state under section 455.067;

20 (e) Whose custodial, parental, or guardianship rights have been terminated by a court
21 of competent jurisdiction; or

22 (f) Whose whereabouts are unknown after reasonable inquiry, who is a fugitive from
23 justice, who is habitually in an intoxicated or drugged condition, or who has been declared
24 mentally incompetent or incapacitated by a court of competent jurisdiction;

25 (2) The minor is emancipated and the attending physician has received the informed
26 written consent of the minor;

27 (3) The minor has been granted the right to self-consent to the abortion by court order
28 pursuant to subsection 2 of this section, and the attending physician has received the informed
29 written consent of the minor; or

30 (4) The minor has been granted consent to the abortion by court order, and the court
31 has given its informed written consent in accordance with subsection 2 of this section, and the
32 minor is having the abortion willingly, in compliance with subsection 3 of this section.

33 2. The right of a minor to self-consent to an abortion under subdivision (3) of
34 subsection 1 of this section or court consent under subdivision (4) of subsection 1 of this
35 section may be granted by a court pursuant to the following procedures:

36 (1) The minor or next friend shall make an application to the juvenile court which
37 shall assist the minor or next friend in preparing the petition and notices required pursuant to
38 this section. The minor or the next friend of the minor shall thereafter file a petition setting
39 forth the initials of the minor; the age of the minor; the names and addresses of each parent,
40 guardian, or, if the minor's parents are deceased and no guardian has been appointed, any
41 other person standing in loco parentis of the minor; that the minor has been fully informed of
42 the risks and consequences of the abortion; that the minor is of sound mind and has sufficient
43 intellectual capacity to consent to the abortion; that, if the court does not grant the minor
44 majority rights for the purpose of consent to the abortion, the court should find that the
45 abortion is in the best interest of the minor and give judicial consent to the abortion; that the
46 court should appoint a guardian ad litem of the child; and if the minor does not have private
47 counsel, that the court should appoint counsel. The petition shall be signed by the minor or
48 the next friend;

49 (2) A hearing on the merits of the petition, to be held on the record, shall be held as
50 soon as possible within five days of the filing of the petition. If any party is unable to afford
51 counsel, the court shall appoint counsel at least twenty-four hours before the time of the
52 hearing. At the hearing, the court shall hear evidence relating to the emotional development,
53 maturity, intellect and understanding of the minor; the nature, possible consequences, and
54 alternatives to the abortion; and any other evidence that the court may find useful in
55 determining whether the minor should be granted majority rights for the purpose of
56 consenting to the abortion or whether the abortion is in the best interests of the minor;

57 (3) In the decree, the court shall for good cause:

58 (a) Grant the petition for majority rights for the purpose of consenting to the abortion;

59 (b) Find the abortion to be in the best interests of the minor and give judicial consent
60 to the abortion, setting forth the grounds for so finding; or

61 (c) Deny the petition, setting forth the grounds on which the petition is denied;

62 (4) If the petition is allowed, the informed consent of the minor, pursuant to a court
63 grant of majority rights, or the judicial consent, shall bar an action by the parents or guardian
64 of the minor on the grounds of battery of the minor by those performing or inducing the
65 abortion. The immunity granted shall only extend to the performance or induction of the
66 abortion in accordance herewith and any necessary accompanying services which are
67 performed in a competent manner. The costs of the action shall be borne by the parties;

68 (5) An appeal from an order issued under the provisions of this section may be taken
69 to the court of appeals of this state by the minor or by a parent or guardian of the minor. The
70 notice of intent to appeal shall be given within twenty-four hours from the date of issuance of
71 the order. The record on appeal shall be completed and the appeal shall be perfected within
72 five days from the filing of notice to appeal. Because time may be of the essence regarding
73 the performance or induction of the abortion, the supreme court of this state shall, by court
74 rule, provide for expedited appellate review of cases appealed under this section.

75 3. If a minor desires an abortion, then she shall be orally informed of and, if possible,
76 sign the written consent required under this chapter in the same manner as an adult person.
77 No abortion shall be performed or induced on any minor against her will, except that an
78 abortion may be performed or induced against the will of a minor pursuant to a court order
79 described in subdivision (4) of subsection 1 of this section that the abortion is necessary to
80 preserve the life of the minor.

191.656. 1. (1) All information known to, and records containing any information
2 held or maintained by, any person, or by any agency, department, or political subdivision of
3 the state concerning an individual's HIV infection status or the results of any individual's HIV
4 testing shall be strictly confidential and shall not be disclosed except to:

5 (a) Public employees within the agency, department, or political subdivision who
6 need to know to perform their public duties;

7 (b) Public employees of other agencies, departments, or political subdivisions who
8 need to know to perform their public duties;

9 (c) Peace officers, as defined in section 590.100, the attorney general or any assistant
10 attorneys general acting on his or her behalf, as defined in chapter 27, and prosecuting
11 attorneys or circuit attorneys as defined in chapter 56 and pursuant to section 191.657;

12 (d) Prosecuting attorneys or circuit attorneys as defined in chapter 56 to prosecute
13 cases pursuant to section 191.677 [~~or 567.020~~]. Prosecuting attorneys or circuit attorneys
14 may obtain from the department of health and senior services the contact information and test
15 results of individuals with whom the HIV-infected individual has had sexual intercourse or
16 deviate sexual intercourse. Any prosecuting attorney or circuit attorney who receives
17 information from the department of health and senior services pursuant to the provisions of
18 this section shall use such information only for investigative and prosecutorial purposes and
19 such information shall be considered strictly confidential and shall only be released as
20 authorized by this section;

21 (e) Persons other than public employees who are entrusted with the regular care of
22 those under the care and custody of a state agency, including but not limited to operators of
23 day care facilities, group homes, residential care facilities and adoptive or foster parents;

24 (f) As authorized by subsection 2 of this section;

25 (g) Victims of any sexual offense defined in chapter 566, which includes sexual
26 intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section
27 545.940 offense, in which the court, for good cause shown, orders the defendant to be tested
28 for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed.
29 Prosecuting attorneys or circuit attorneys, or the department of health and senior services may
30 release information to such victims;

31 (h) Any individual who has tested positive or false positive to HIV, hepatitis B,
32 hepatitis C, syphilis, gonorrhea, or chlamydia, may request copies of any and all test results
33 relating to said infections.

34 (2) Further disclosure by public employees shall be governed by subsections 2 and 3
35 of this section;

36 (3) Disclosure by a public employee or any other person in violation of this section
37 may be subject to civil actions brought under subsection 6 of this section, unless otherwise
38 required by chapter 330, 332, 334, or 335, pursuant to discipline taken by a state licensing
39 board.

40 2. (1) Unless the person acted in bad faith or with conscious disregard, no person
41 shall be liable for violating any duty or right of confidentiality established by law for
42 disclosing the results of an individual's HIV testing:

43 (a) To the department of health and senior services;

44 (b) To health care personnel working directly with the infected individual who have a
45 reasonable need to know the results for the purpose of providing direct patient health care;

46 (c) Pursuant to the written authorization of the subject of the test result or results;

47 (d) To the spouse of the subject of the test result or results;

48 (e) To the subject of the test result or results;

49 (f) To the parent or legal guardian or custodian of the subject of the testing, if he is an
50 unemancipated minor;

51 (g) To the victim of any sexual offense defined in chapter 566, which includes sexual
52 intercourse or deviate sexual intercourse, as an element of the crime or to a victim of a section
53 545.940 offense, in which the court, for good cause shown, orders the defendant to be tested
54 for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, or chlamydia, once the charge is filed;

55 (h) To employees of a state licensing board in the execution of their duties under
56 chapter 330, 332, 334, or 335 pursuant to discipline taken by a state licensing board;

57

58 The department of health and senior services and its employees shall not be held liable for
59 disclosing an HIV-infected person's HIV status to individuals with whom that person had
60 sexual intercourse or deviate sexual intercourse;

61 (2) Paragraphs (b) and (d) of subdivision (1) of this subsection shall not be construed
62 in any court to impose any duty on a person to disclose the results of an individual's HIV
63 testing to a spouse or health care professional or other potentially exposed person, parent or
64 guardian;

65 (3) No person to whom the results of an individual's HIV testing has been disclosed
66 pursuant to paragraphs (b) and (c) of subdivision (1) of this subsection shall further disclose
67 such results; except that prosecuting attorneys or circuit attorneys may disclose such
68 information to defense attorneys defending actions pursuant to section 191.677 [~~or 567.020~~]
69 under the rules of discovery, or jurors or court personnel hearing cases pursuant to section
70 191.677 [~~or 567.020~~]. Such information shall not be used or disclosed for any other purpose;

71 (4) When the results of HIV testing, disclosed pursuant to paragraph (b) of
72 subdivision (1) of this subsection, are included in the medical record of the patient who is
73 subject to the test, the inclusion is not a disclosure for purposes of such paragraph so long as
74 such medical record is afforded the same confidentiality protection afforded other medical
75 records.

76 3. All communications between the subject of HIV testing and a physician, hospital,
77 or other person authorized by the department of health and senior services who performs or
78 conducts HIV sampling shall be privileged communications.

79 4. The identity of any individual participating in a research project approved by an
80 institutional review board shall not be reported to the department of health and senior services
81 by the physician conducting the research project.

82 5. The subject of HIV testing who is found to have HIV infection and is aware of his
83 or her HIV status shall disclose such information to any health care professional from whom
84 such person receives health care services. Said notification shall be made prior to receiving
85 services from such health care professional if the HIV-infected person is medically capable of
86 conveying that information or as soon as he or she becomes capable of conveying that
87 information.

88 6. Any individual aggrieved by a violation of this section or regulations promulgated
89 by the department of health and senior services may bring a civil action for damages. If it is
90 found in a civil action that:

91 (1) A person has negligently violated this section, the person is liable, for each
92 violation, for:

93 (a) The greater of actual damages or liquidated damages of one thousand dollars; and

94 (b) Court costs and reasonable attorney's fees incurred by the person bringing the
95 action; and

96 (c) Such other relief, including injunctive relief, as the court may deem appropriate;
97 or

98 (2) A person has willfully or intentionally or recklessly violated this section, the
99 person is liable, for each violation, for:

100 (a) The greater of actual damages or liquidated damages of five thousand dollars; and

101 (b) Exemplary damages; and

102 (c) Court costs and reasonable attorney's fees incurred by the person bringing the
103 action; and

104 (d) Such other relief, including injunctive relief, as the court may deem appropriate.

105 7. No civil liability shall accrue to any health care provider as a result of making a
106 good faith report to the department of health and senior services about a person reasonably
107 believed to be infected with HIV, or cooperating in good faith with the department in an
108 investigation determining whether a court order directing an individual to undergo HIV
109 testing will be sought, or in participating in good faith in any judicial proceeding resulting
110 from such a report or investigations; and any person making such a report, or cooperating
111 with such an investigation or participating in such a judicial proceeding, shall be immune
112 from civil liability as a result of such actions so long as taken in good faith.

191.668. 1. The department of health and senior services shall prepare public education and awareness plans and programs for the general public, and the department of elementary and secondary education shall prepare educational programs for public schools, regarding means of transmission and prevention and treatment of the HIV virus. The plans and programs shall include, but not be limited to:

(1) Medically correct, age specific, transmission and prevention programs for use at the discretion of the public schools beginning with students at the sixth grade level. The educational programs shall stress moral responsibility in and restraint from sexual activity and avoidance of controlled substance use whereby HIV can be transmitted;

(2) Risk reduction programs for specific populations at high risk of HIV infection;

(3) Educational programs on transmission and prevention of HIV infection in the workplace for use by employers;

(4) Personal protection procedures for use by health care providers and others in close contact with potentially infected individuals;

(5) General public information programs and circulars containing factual information that will allow the public at large to assess its risk and develop informed individual judgment and behavior. The department shall prepare for free distribution among the residents of the state printed information concerning the means of transmission of the HIV virus, the dangers from HIV infection, means of prevention, and the necessity for testing; and

(6) Develop presentations for community service and school organizations describing the medical and psychosocial aspects of HIV infection, including information on how infection is transmitted and can be prevented.

2. None of the plans, programs or printed information prepared or provided under this section shall promote behavior that is an offense in violation of chapter 566 concerning sexual offenses; is an offense involving the use of a controlled substance as defined in chapter 195; is an offense in violation of section 568.020 concerning incest; or is an offense in violation of any city, county or state law prohibiting ~~[prostitution or patronizing prostitution]~~ **unlawful commercial sex acts**.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in ~~[22 U.S.C. 78 Section 7102(9)-(10)]~~ **22 U.S.C. Section 7102, as amended;**

9 (2) "Assessment and treatment services for children", an approach to be developed by
10 the children's division which will recognize and treat the specific needs of at-risk and abused
11 or neglected children. The developmental and medical assessment may be a broad physical,
12 developmental, and mental health screening to be completed within thirty days of a child's
13 entry into custody and in accordance with the periodicity schedule set forth by the American
14 Academy of Pediatrics thereafter as long as the child remains in care. Screenings may be
15 offered at a centralized location and include, at a minimum, the following:

16 (a) Complete physical to be performed by a pediatrician familiar with the effects of
17 abuse and neglect on young children;

18 (b) Developmental, behavioral, and emotional screening in addition to early periodic
19 screening, diagnosis, and treatment services, including a core set of standardized and
20 recognized instruments as well as interviews with the child and appropriate caregivers. The
21 screening battery may be performed by a licensed mental health professional familiar with the
22 effects of abuse and neglect on young children, who will then serve as the liaison between all
23 service providers in ensuring that needed services are provided. Such treatment services may
24 include in-home services, out-of-home placement, intensive twenty-four-hour treatment
25 services, family counseling, parenting training and other best practices.

26

27 Children whose screenings indicate an area of concern may complete a comprehensive, in-
28 depth health, psychodiagnostic, or developmental assessment within sixty days of entry into
29 custody;

30 (3) "Central registry", a registry of persons where the division has found probable
31 cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August
32 28, 2004, or a court has substantiated through court adjudication that the individual has
33 committed child abuse or neglect or the person has pled guilty or has been found guilty of a
34 crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or
35 ~~567.050~~ **567.015** if the victim is a child less than eighteen years of age, or any other crime
36 pursuant to chapter 566 if the victim is a child less than eighteen years of age and the
37 perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030,
38 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040,
39 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the
40 registry prior to August 28, 2004, shall remain on the registry for the duration of time
41 required by section 210.152;

42 (4) "Child", any person, regardless of physical or mental condition, under eighteen
43 years of age;

44 (5) "Children's services providers and agencies", any public, quasi-public, or private
45 entity with the appropriate and relevant training and expertise in delivering services to

46 children and their families as determined by the children's division, and capable of providing
47 direct services and other family services for children in the custody of the children's division
48 or any such entities or agencies that are receiving state moneys for such services;

49 (6) "Director", the director of the Missouri children's division within the department
50 of social services;

51 (7) "Division", the Missouri children's division within the department of social
52 services;

53 (8) "Family assessment and services", an approach to be developed by the children's
54 division which will provide for a prompt assessment of a child who has been reported to the
55 division as a victim of abuse or neglect by a person responsible for that child's care, custody
56 or control and of that child's family, including risk of abuse and neglect and, if necessary, the
57 provision of community-based services to reduce the risk and support the family;

58 (9) "Family support team meeting" or "team meeting", a meeting convened by the
59 division or children's services provider in behalf of the family and/or child for the purpose of
60 determining service and treatment needs, determining the need for placement and developing
61 a plan for reunification or other permanency options, determining the appropriate placement
62 of the child, evaluating case progress, and establishing and revising the case plan;

63 (10) "Investigation", the collection of physical and verbal evidence to determine if a
64 child has been abused or neglected;

65 (11) "Jail or detention center personnel", employees and volunteers working in any
66 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is
67 provided to persons who are being held under custody of the law;

68 (12) "Neglect", failure to provide, by those responsible for the care, custody, and
69 control of the child, the proper or necessary support, education as required by law, nutrition or
70 medical, surgical, or any other care necessary for the child's well-being. Victims of neglect
71 shall also include any victims of sex trafficking or severe forms of trafficking as those terms
72 are defined in ~~[22 U.S.C. 78 Section 7102(9) (10)]~~ **22 U.S.C. Section 7102, as amended**;

73 (13) "Preponderance of the evidence", that degree of evidence that is of greater
74 weight or more convincing than the evidence which is offered in opposition to it or evidence
75 which as a whole shows the fact to be proved to be more probable than not;

76 (14) "Probable cause", available facts when viewed in the light of surrounding
77 circumstances which would cause a reasonable person to believe a child was abused or
78 neglected;

79 (15) "Report", the communication of an allegation of child abuse or neglect to the
80 division pursuant to section 210.115;

81 (16) "Those responsible for the care, custody, and control of the child", includes, but
82 is not limited to:

- 83 (a) The parents or legal guardians of a child;
84 (b) Other members of the child's household;
85 (c) Those exercising supervision over a child for any part of a twenty-four-hour day;
86 (d) Any adult person who has access to the child based on relationship to the parents
87 of the child or members of the child's household or the family;
88 (e) Any person who takes control of the child by deception, force, or coercion; or
89 (f) School personnel, contractors, and volunteers, if the relationship with the child
90 was established through the school or through school-related activities, even if the alleged
91 abuse or neglect occurred outside of school hours or off school grounds.

210.118. 1. Except for actions under the uniform parentage act, sections 210.817 to
2 210.852, in any action under chapter 210 or 211 in which the court finds by a preponderance
3 of the evidence that a party is responsible for child abuse or neglect, as those terms are
4 defined in section 210.110, the clerk shall send a certified copy of the judgment or order to the
5 children's division and to the appropriate prosecuting attorney. Upon receipt of the order, the
6 children's division shall list the individual as a perpetrator of child abuse or neglect in the
7 central registry.

8 2. In every case in which the person has pled guilty to or been found guilty of:

- 9 (1) A crime under section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030,
10 566.060, or ~~567.050~~ **567.015** and the victim is a child under eighteen years of age;
11 (2) Any other crime in chapter 566 if the victim is a child under eighteen years of age
12 and the perpetrator is twenty-one years of age or older;
13 (3) A crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,
14 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205; or
15 (4) An attempt to commit any such crimes;

16

17 the court shall enter an order directing the children's division to list the individual as a
18 perpetrator of child abuse or neglect in the central registry. The clerk shall send a certified
19 copy of the order to the children's division. Upon receipt of the order, the children's division
20 shall list the individual as a perpetrator of child abuse or neglect in the central registry.

210.145. 1. The division shall develop protocols which give priority to:

- 2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;
4 (2) Promoting the preservation and reunification of children and families consistent
5 with state and federal law;
6 (3) Providing due process for those accused of child abuse or neglect; and
7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a

9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. (1) The division shall utilize structured decision-making protocols, including a
12 standard risk assessment that shall be completed within seventy-two hours of the report of
13 abuse or neglect, for classification purposes of all child abuse and neglect reports. The
14 protocols developed by the division shall give priority to ensuring the well-being and safety
15 of the child. All child abuse and neglect reports shall be initiated within twenty-four hours
16 and shall be classified based upon the reported risk and injury to the child. The division shall
17 promulgate rules regarding the structured decision-making protocols to be utilized for all
18 child abuse and neglect reports.

19 (2) The director of the division and the office of state courts administrator shall
20 develop a joint safety assessment tool before December 31, 2020, and such tool shall be
21 implemented before January 1, 2022. The safety assessment tool shall replace the standard
22 risk assessment required under subdivision (1) of this subsection and shall also be completed
23 within seventy-two hours of the report of abuse or neglect.

24 3. Upon receipt of a report, the division shall determine if the report merits
25 investigation, including reports which if true would constitute a suspected violation of any of
26 the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child
27 less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than
28 eighteen years of age, or other crimes under chapter 566 if the victim is a child less than
29 eighteen years of age and the perpetrator is twenty-one years of age or older, section
30 ~~567.050~~ **567.015** if the victim is a child less than eighteen years of age, section 568.020,
31 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037,
32 or 573.040, or an attempt to commit any such crimes. The division shall immediately
33 communicate all reports that merit investigation to its appropriate local office and any
34 relevant information as may be contained in the information system. The local division staff
35 shall determine, through the use of protocols developed by the division, whether an
36 investigation or the family assessment and services approach should be used to respond to the
37 allegation. The protocols developed by the division shall give priority to ensuring the well-
38 being and safety of the child.

39 4. The division may accept a report for investigation or family assessment if either the
40 child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident
41 occurred in Missouri.

42 5. If the division receives a report in which neither the child nor the alleged
43 perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in
44 Missouri, the division shall document the report and communicate it to the appropriate agency

45 or agencies in the state where the child is believed to be located, along with any relevant
46 information or records as may be contained in the division's information system.

47 6. When the child abuse and neglect hotline receives three or more calls, within a
48 seventy-two hour period, from one or more individuals concerning the same child, the
49 division shall conduct a review to determine whether the calls meet the criteria and statutory
50 definition for a child abuse and neglect report to be accepted. In conducting the review, the
51 division shall contact the hotline caller or callers in order to collect information to determine
52 whether the calls meet the criteria for harassment.

53 7. The local office shall contact the appropriate law enforcement agency immediately
54 upon receipt of a report which division personnel determine merits an investigation and
55 provide such agency with a detailed description of the report received. In such cases the local
56 division office shall request the assistance of the local law enforcement agency in all aspects
57 of the investigation of the complaint. The appropriate law enforcement agency shall either
58 assist the division in the investigation or provide the division, within twenty-four hours, an
59 explanation in writing detailing the reasons why it is unable to assist.

60 8. The local office of the division shall cause an investigation or family assessment
61 and services approach to be initiated in accordance with the protocols established in
62 subsection 2 of this section, except in cases where the sole basis for the report is educational
63 neglect. If the report indicates that educational neglect is the only complaint and there is no
64 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two
65 hours of receipt of the report. If the report indicates the child is in danger of serious physical
66 harm or threat to life, an investigation shall include direct observation of the subject child
67 within twenty-four hours of the receipt of the report. Local law enforcement shall take all
68 necessary steps to facilitate such direct observation. Callers to the child abuse and neglect
69 hotline shall be instructed by the division's hotline to call 911 in instances where the child
70 may be in immediate danger. If the parents of the child are not the alleged perpetrators, a
71 parent of the child must be notified prior to the child being interviewed by the division. No
72 person responding to or investigating a child abuse and neglect report shall call prior to a
73 home visit or leave any documentation of any attempted visit, such as business cards,
74 pamphlets, or other similar identifying information if he or she has a reasonable basis to
75 believe the following factors are present:

- 76 (1) (a) No person is present in the home at the time of the home visit; and
77 (b) The alleged perpetrator resides in the home or the physical safety of the child may
78 be compromised if the alleged perpetrator becomes aware of the attempted visit;
79 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
80 (3) The family has a history of domestic violence or fleeing the community.

81

82 If the alleged perpetrator is present during a visit by the person responding to or investigating
83 the report, such person shall provide written material to the alleged perpetrator informing him
84 or her of his or her rights regarding such visit, including but not limited to the right to contact
85 an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such
86 written material or have such material read to him or her by the case worker before the visit
87 commences, but in no event shall such time exceed five minutes; except that, such
88 requirement to provide written material and reasonable time to read such material shall not
89 apply in cases where the child faces an immediate threat or danger, or the person responding
90 to or investigating the report is or feels threatened or in danger of physical harm. If the abuse
91 is alleged to have occurred in a school or child care facility the division shall not meet with
92 the child in any school building or child-care facility building where abuse of such child is
93 alleged to have occurred. When the child is reported absent from the residence, the location
94 and the well-being of the child shall be verified. For purposes of this subsection, "child care
95 facility" shall have the same meaning as such term is defined in section 210.201.

96 9. The director of the division shall name at least one chief investigator for each local
97 division office, who shall direct the division response on any case involving a second or
98 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
99 investigator shall include verification of direct observation of the subject child by the division
100 and shall ensure information regarding the status of an investigation is provided to the public
101 school district liaison. The public school district liaison shall develop protocol in conjunction
102 with the chief investigator to ensure information regarding an investigation is shared with
103 appropriate school personnel. The superintendent of each school district shall designate a
104 specific person or persons to act as the public school district liaison. Should the subject child
105 attend a nonpublic school the chief investigator shall notify the school principal of the
106 investigation. Upon notification of an investigation, all information received by the public
107 school district liaison or the school shall be subject to the provisions of the federal Family
108 Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34
109 C.F.R. Part 99.

110 10. The investigation shall include but not be limited to the nature, extent, and cause
111 of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect;
112 the names and conditions of other children in the home, if any; the home environment and the
113 relationship of the subject child to the parents or other persons responsible for the child's care;
114 any indication of incidents of physical violence against any other household or family
115 member; and other pertinent data.

116 11. When a report has been made by a person required to report under section
117 210.115, the division shall contact the person who made such report within forty-eight hours

118 of the receipt of the report in order to ensure that full information has been received and to
119 obtain any additional information or medical records, or both, that may be pertinent.

120 12. Upon completion of the investigation, if the division suspects that the report was
121 made maliciously or for the purpose of harassment, the division shall refer the report and any
122 evidence of malice or harassment to the local prosecuting or circuit attorney.

123 13. Multidisciplinary teams shall be used whenever conducting the investigation as
124 determined by the division in conjunction with local law enforcement. Multidisciplinary
125 teams shall be used in providing protective or preventive social services, including the
126 services of law enforcement, a liaison of the local public school, the juvenile officer, the
127 juvenile court, and other agencies, both public and private.

128 14. For all family support team meetings involving an alleged victim of child abuse or
129 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or
130 custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the
131 child shall be provided notice and be permitted to attend all such meetings. Family members,
132 other than alleged perpetrators, or other community informal or formal service providers that
133 provide significant support to the child and other individuals may also be invited at the
134 discretion of the parents of the child. In addition, the parents, the legal counsel for the
135 parents, the legal guardian or custodian and the foster parents may request that other
136 individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once
137 a person is provided notice of or attends such team meetings, the division or the convenor of
138 the meeting shall provide such persons with notice of all such subsequent meetings involving
139 the child. Families may determine whether individuals invited at their discretion shall
140 continue to be invited.

141 15. If the appropriate local division personnel determine after an investigation has
142 begun that completing an investigation is not appropriate, the division shall conduct a family
143 assessment and services approach. The division shall provide written notification to local law
144 enforcement prior to terminating any investigative process. The reason for the termination of
145 the investigative process shall be documented in the record of the division and the written
146 notification submitted to local law enforcement. Such notification shall not preclude nor
147 prevent any investigation by law enforcement.

148 16. If the appropriate local division personnel determines to use a family assessment
149 and services approach, the division shall:

150 (1) Assess any service needs of the family. The assessment of risk and service needs
151 shall be based on information gathered from the family and other sources;

152 (2) Provide services which are voluntary and time-limited unless it is determined by
153 the division based on the assessment of risk that there will be a high risk of abuse or neglect if
154 the family refuses to accept the services. The division shall identify services for families

155 where it is determined that the child is at high risk of future abuse or neglect. The division
156 shall thoroughly document in the record its attempt to provide voluntary services and the
157 reasons these services are important to reduce the risk of future abuse or neglect to the child.
158 If the family continues to refuse voluntary services or the child needs to be protected, the
159 division may commence an investigation;

160 (3) Commence an immediate investigation if at any time during the family
161 assessment and services approach the division determines that an investigation, as delineated
162 in sections 210.109 to 210.183, is required. The division staff who have conducted the
163 assessment may remain involved in the provision of services to the child and family;

164 (4) Document at the time the case is closed, the outcome of the family assessment and
165 services approach, any service provided and the removal of risk to the child, if it existed.

166 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office
167 shall update the information in the information system. The information system shall contain,
168 at a minimum, the determination made by the division as a result of the investigation,
169 identifying information on the subjects of the report, those responsible for the care of the
170 subject child and other relevant dispositional information. The division shall complete all
171 investigations within forty-five days, unless good cause for the failure to complete the
172 investigation is specifically documented in the information system. Good cause for failure to
173 complete an investigation shall include, but not be limited to:

174 (a) The necessity to obtain relevant reports of medical providers, medical examiners,
175 psychological testing, law enforcement agencies, forensic testing, and analysis of relevant
176 evidence by third parties which has not been completed and provided to the division;

177 (b) The attorney general or the prosecuting or circuit attorney of the city or county in
178 which a criminal investigation is pending certifies in writing to the division that there is a
179 pending criminal investigation of the incident under investigation by the division and the
180 issuing of a decision by the division will adversely impact the progress of the investigation; or

181 (c) The child victim, the subject of the investigation or another witness with
182 information relevant to the investigation is unable or temporarily unwilling to provide
183 complete information within the specified time frames due to illness, injury, unavailability,
184 mental capacity, age, developmental disability, or other cause.

185

186 The division shall document any such reasons for failure to complete the investigation.

187 (2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the
188 investigation shall remain open until the division's investigation surrounding such death or
189 near-fatal injury is completed.

190 (3) If the investigation is not completed within forty-five days, the information
191 system shall be updated at regular intervals and upon the completion of the investigation,

192 which shall be completed no later than ninety days after receipt of a report of abuse or
193 neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving
194 sexual abuse, or until the division's investigation is complete in cases involving a child
195 fatality or near-fatality. The information in the information system shall be updated to reflect
196 any subsequent findings, including any changes to the findings based on an administrative or
197 judicial hearing on the matter.

198 18. A person required to report under section 210.115 to the division and any person
199 making a report of child abuse or neglect made to the division which is not made
200 anonymously shall be informed by the division of his or her right to obtain information
201 concerning the disposition of his or her report. Such person shall receive, from the local
202 office, if requested, information on the general disposition of his or her report. Such person
203 may receive, if requested, findings and information concerning the case. Such release of
204 information shall be at the discretion of the director based upon a review of the reporter's
205 ability to assist in protecting the child or the potential harm to the child or other children
206 within the family. The local office shall respond to the request within forty-five days. The
207 findings shall be made available to the reporter within five days of the outcome of the
208 investigation. If the report is determined to be unsubstantiated, the reporter may request that
209 the report be referred by the division to the office of child advocate for children's protection
210 and services established in sections 37.700 to 37.730. Upon request by a reporter under this
211 subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the
212 office of child advocate for children's protection and services.

213 19. The division shall provide to any individual who is not satisfied with the results of
214 an investigation information about the office of child advocate and the services it may provide
215 under sections 37.700 to 37.730.

216 20. In any judicial proceeding involving the custody of a child the fact that a report
217 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible.
218 However:

219 (1) Nothing in this subsection shall prohibit the introduction of evidence from
220 independent sources to support the allegations that may have caused a report to have been
221 made; and

222 (2) The court may on its own motion, or shall if requested by a party to the
223 proceeding, make an inquiry not on the record with the children's division to determine if
224 such a report has been made.

225

226 If a report has been made, the court may stay the custody proceeding until the children's
227 division completes its investigation.

228 21. Nothing in this chapter shall be construed to prohibit the children's division from
229 coinvestigating a report of child abuse or neglect or sharing records and information with
230 child welfare, law enforcement, or judicial officers of another state, territory, or nation if the
231 children's division determines it is appropriate to do so under the standard set forth in
232 subsection 4 of section 210.150 and if such receiving agency is exercising its authority under
233 the law.

234 22. In any judicial proceeding involving the custody of a child where the court
235 determines that the child is in need of services under paragraph (d) of subdivision (1) of
236 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
237 custodian shall not be entered into the registry.

238 23. The children's division is hereby granted the authority to promulgate rules and
239 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
240 provisions of sections 210.109 to 210.183.

241 24. Any rule or portion of a rule, as that term is defined in section 536.010, that is
242 created under the authority delegated in this section shall become effective only if it complies
243 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
244 This section and chapter 536 are nonseverable and if any of the powers vested with the
245 general assembly pursuant to chapter 536 to review, to delay the effective date or to
246 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
247 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
248 and void.

 210.156. 1. The children's division shall make available to the state registrar of vital
2 statistics the identifying information of the following individuals of whom the division has
3 knowledge:

4 (1) Individuals whose parental rights have been terminated under section 211.447 and
5 who are identified in the central registry as having a finding by the division or a court
6 adjudication of child abuse or neglect within the previous ten years; and

7 (2) Individuals identified in the central registry who have pled guilty or have been
8 found guilty, within the previous ten years, of an offense under the following, if the victim is a
9 child less than eighteen years of age: chapter 566 or section 565.020, 565.021, 565.023,
10 565.024, ~~567.050~~ **567.015**, 568.020, 568.065, 573.023, 573.025, 573.035, 573.037,
11 573.040, 573.200, or 573.205.

12 2. The state registrar shall provide to the division the birth record information of
13 children born to individuals whose identifying information has been provided under
14 subsection 1 of this section. The division shall verify that the parent of the child is the same
15 individual whose identifying information was provided and, if the parent's identity has been
16 verified, shall provide the appropriate local office with information regarding the birth of the

17 child. Appropriate local division personnel, or local providers designated by the division,
18 shall initiate contact with the family, or make a good faith effort to do so, to determine if the
19 parent or family has a need for services and provide such voluntary and time-limited services
20 as appropriate. The division shall document the results of such contact and services provided,
21 if any, in the information system established under section 210.109.

22 3. The children's division and the state registrar shall ensure the confidentiality of all
23 identifying information and birth records provided under this section and shall not disclose
24 such information and records except as needed to effectuate the provisions of this section.
25 Such information and records shall be considered closed records under chapter 610.

26 4. The division may promulgate rules and regulations to implement the provisions of
27 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
28 created under the authority delegated in this section shall become effective only if it complies
29 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
30 This section and chapter 536 are nonseverable and if any of the powers vested with the
31 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
32 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
33 rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid
34 and void.

226.531. 1. As used in this section the following terms mean:

2 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which
3 persons appear in a state of nudity, as defined in section 573.500, or seminudity, in the
4 performance of their duties;

5 (2) "Seminudity", a state of dress in which opaque clothing fails to cover the genitals,
6 anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female breast below a
7 horizontal line across the top of the areola at its highest point. Seminudity shall include the
8 entire lower portion of the female breast, but shall not include any portion of the cleavage of
9 the human female breast exhibited by wearing apparel provided the areola is not exposed in
10 whole or part;

11 (3) "Sexually oriented business", any business which offers its patrons goods of
12 which a substantial portion are sexually oriented materials. Any business where more than
13 ten percent of display space is used for sexually oriented materials shall be presumed to be a
14 sexually oriented business;

15 (4) "Sexually oriented materials", any textual, pictorial, or three-dimensional material
16 that depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way
17 which is patently offensive to the average person applying contemporary adult community
18 standards with respect to what is suitable for minors.

19 2. No billboard or other exterior advertising sign for an adult cabaret or sexually
20 oriented business shall be located within one mile of any state highway except if such
21 business is located within one mile of a state highway then the business may display a
22 maximum of two exterior signs on the premises of the business, consisting of one
23 identification sign and one sign solely giving notice that the premises are off limits to minors.
24 The identification sign shall be no more than forty square feet in size and shall include no
25 more than the following information: name, street address, telephone number, and operating
26 hours of the business.

27 3. Signs existing on August 28, 2004, which did not conform to the requirements of
28 this section, may be allowed to continue as a nonconforming use, but should be made to
29 conform within three years from August 28, 2004.

30 4. Any owner of such a business who violates the provisions of this section shall be
31 guilty of a class C misdemeanor. Each week a violation of this section continues to exist shall
32 constitute a separate offense.

33 5. This section is designed to protect the following public policy interests of this state,
34 including but not limited to: to mitigate the adverse secondary effects of sexually oriented
35 businesses, to improve traffic safety, to limit harm to minors, and to reduce [~~prostitution~~]
36 **unlawful commercial sex acts**, crime, juvenile delinquency, deterioration in property values,
37 and lethargy in neighborhood improvement efforts.

 513.605. As used in sections 513.600 to 513.645, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) (a) "Beneficial interest":

4 a. The interest of a person as a beneficiary under any other trust arrangement pursuant
5 to which a trustee holds legal or record title to real property for the benefit of such person; or

6 b. The interest of a person under any other form of express fiduciary arrangement
7 pursuant to which any other person holds legal or record title to real property for the benefit
8 of such person;

9 (b) "Beneficial interest" does not include the interest of a stockholder in a corporation
10 or the interest of a partner in either a general partnership or limited partnership. A beneficial
11 interest shall be deemed to be located where the real property owned by the trustee is located;

12 (2) "Civil proceeding", any civil suit commenced by an investigative agency under
13 any provision of sections 513.600 to 513.645;

14 (3) "Criminal activity" is the commission, attempted commission, conspiracy to
15 commit, or the solicitation, coercion or intimidation of another person to commit any crime
16 which is chargeable by indictment or information under the following Missouri laws:

17 (a) Chapter 195, relating to drug regulations;

18 (b) Chapter 565, relating to offenses against the person;

- 19 (c) Chapter 566, relating to sexual offenses;
- 20 (d) Chapter 568, relating to offenses against the family;
- 21 (e) Chapter 569, relating to robbery, arson, burglary and related offenses;
- 22 (f) Chapter 570, relating to stealing and related offenses;
- 23 (g) Chapter 567, relating to ~~[prostitution]~~ **unlawful commercial sex acts**;
- 24 (h) Chapter 573, relating to pornography and related offenses;
- 25 (i) Chapter 574, relating to offenses against public order;
- 26 (j) Chapter 575, relating to offenses against the administration of justice;
- 27 (k) Chapter 491, relating to witnesses;
- 28 (l) Chapter 572, relating to gambling;
- 29 (m) Chapter 311, but relating only to felony violations of this chapter committed by
- 30 persons not duly licensed by the supervisor of liquor control;
- 31 (n) Chapter 571, relating to weapons offenses;
- 32 (o) Chapter 409, relating to regulation of securities;
- 33 (p) Chapter 301, relating to registration and licensing of motor vehicles;
- 34 (4) "Criminal proceeding", any criminal prosecution commenced by an investigative
- 35 agency under any criminal law of this state;
- 36 (5) "Investigative agency", the attorney general's office, or the office of any
- 37 prosecuting attorney or circuit attorney;
- 38 (6) "Pecuniary value":
- 39 (a) Anything of value in the form of money, a negotiable instrument, a commercial
- 40 interest, or anything else the primary significance of which is economic advantage; or
- 41 (b) Any other property or service that has a value in excess of one hundred dollars;
- 42 (7) "Real property", any estate or legal or equitable interest in land situated in this
- 43 state or any interest in such real property, including, but not limited to, any lease or deed of
- 44 trust upon such real property;
- 45 (8) "Seizing agency", the agency which is the primary employer of the officer or
- 46 agent seizing the property, including any agency in which one or more of the employees
- 47 acting on behalf of the seizing agency is employed by the state of Missouri or any political
- 48 subdivision of this state;
- 49 (9) "Seizure", the point at which any law enforcement officer or agent discovers and
- 50 exercises any control over property that an officer or agent has reason to believe was used or
- 51 intended for use in the course of, derived from, or realized through criminal activity. Seizure
- 52 includes but is not limited to preventing anyone found in possession of the property from
- 53 leaving the scene of the investigation while in possession of the property;
- 54 (10) (a) "Trustee":

55 a. Any person who holds legal or record title to real property for which any other
56 person has a beneficial interest; or

57 b. Any successor trustee or trustees to any of the foregoing persons;

58 (b) "Trustee" does not include the following:

59 a. Any person appointed or acting as a personal representative under chapter 475 or
60 under chapter 473;

61 b. Any person appointed or acting as a trustee of any testamentary trust or as trustee
62 of any indenture of trust under which any bonds are or are to be issued.

545.940. 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney
2 with notice given to the defense attorney and for good cause shown, in any criminal case in
3 which a defendant has been charged by the prosecuting attorney's office or circuit attorney's
4 office with any offense under chapter 566 or section 565.050, assault in the first degree;
5 section 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault
6 in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic
7 assault in the first degree; section 565.073, domestic assault in the second degree; section
8 565.074, domestic assault in the third degree; section 565.075, assault while on school
9 property; section 565.076, domestic assault in the fourth degree; section 565.081, 565.082, or
10 565.083, assault of a law enforcement officer, corrections officer, emergency personnel,
11 highway worker in a construction zone or work zone, utility worker, cable worker, or
12 probation and parole officer in the first, second, or third degree; section ~~567.020,~~
13 ~~prostitution~~ **567.015, unlawful commercial sex act**; section 568.045, endangering the
14 welfare of a child in the first degree; section 568.050, endangering the welfare of a child in
15 the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering
16 with an arrest; or subdivision (2) or (3) of subsection 2 of section 191.677, knowingly or
17 recklessly exposing a person to a serious infectious or communicable disease, the court may
18 order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for
19 testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of
20 such tests shall be released to the victim and his or her parent or legal guardian if the victim is
21 a minor. The results of such tests shall also be released to the prosecuting attorney or circuit
22 attorney and the defendant's attorney. The state's motion to obtain said testing, the court's
23 order of the same, and the test results shall be sealed in the court file.

24 2. As used in this section, "HIV" means the human immunodeficiency virus that
25 causes acquired immunodeficiency syndrome.

566.103. 1. A person or entity commits the offense of promoting online sexual
2 solicitation if such person or entity knowingly permits a web-based classified service owned
3 or operated by such person or entity to be used by individuals to post advertisements

4 ~~[promoting prostitution,]~~ enticing a child to engage in sexual conduct~~[-]~~ or promoting sexual
5 trafficking of a child after receiving notice under this section.

6 2. As used in this section, the term "web-based classified service" means a person or
7 entity in whose name a specific URL or internet domain name is registered which has
8 advertisements for goods and services or personal advertisements.

9 3. An advertisement may be deemed to ~~[promote prostitution,]~~ entice a child to
10 engage in sexual conduct~~[-]~~ or promote sexual trafficking of a child, if the content of such
11 advertisement would be interpreted by a reasonable person ~~[as offering to exchange sexual~~
12 ~~conduct for goods or services in violation of chapter 567,]~~ as seeking a child for the purpose
13 of sexual conduct or commercial sex act, or as offering a child as a participant in sexual
14 conduct or commercial sex act in violation of section 566.151, 566.210, or 566.211.

15 4. It shall be prima facie evidence that a person or entity acts knowingly if an
16 advertisement is not removed from the web-based classified service within seventy-two hours
17 of that person or entity being notified that an advertisement has been posted on that service
18 which is prohibited under this section.

19 5. Notice under this section may be provided by certified mail or facsimile
20 transmission by the attorney general or any prosecuting attorney or circuit attorney.

21 6. A violation of this section shall be a felony, punishable by a fine in the amount of
22 five thousand dollars per day that the advertisement remains posted on the web-based
23 classified service after seventy-two hours of when notice has been provided pursuant to this
24 section.

25 7. Original jurisdiction for prosecution of a violation of this section shall be with the
26 local prosecuting attorney or circuit attorney.

566.223. 1. Any individual who is alleging that a violation of sections 566.200 to
2 566.218 and section 578.475 has occurred against his or her person shall be afforded the
3 rights and protections provided in the federal Trafficking Victims Protection Act of 2000,
4 Public Law 106-386, as amended.

5 2. ~~[It is an affirmative defense for the offense of prostitution under section 567.020~~
6 ~~that the defendant engaged in the conduct charged to constitute an offense because he or she~~
7 ~~was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself~~
8 ~~or herself or a third person, which force or threatened force a person of reasonable firmness in~~
9 ~~his or her situation would have been unable to resist.~~

10 3.] The department of public safety is authorized to establish procedures for
11 identifying victims of trafficking under sections 566.200 to 566.223. The department may
12 establish training programs as well as standard protocols for appropriate agencies to educate
13 officials and employees on state statutes and federal laws regulating human trafficking and
14 with the identification and assistance of victims of human trafficking. Such agencies may

15 include but not be limited to state employees and contractors, including the children's division
16 of the department of social services, juvenile courts, state law enforcement agencies, health
17 care professionals, and runaway and homeless youth shelter administrators.

18 ~~[4.]~~ **3.** As soon as possible after a first encounter with a person who reasonably
19 appears to a law enforcement agency to be a victim of trafficking as defined in section
20 566.200, that agency or office shall notify the department of social services and, where
21 applicable, juvenile justice authorities that the person may be a victim of trafficking, in order
22 that such agencies may determine whether the person may be eligible for state or federal
23 services, programs, or assistance.

24 ~~[5.]~~ **4.** The department of social services may coordinate with relevant state, federal,
25 and local agencies to evaluate appropriate services for victims of trafficking. State agencies
26 may implement programs and enter into contracts with nonprofit agencies, domestic and
27 sexual violence shelters, and other nongovernment organizations to provide services to
28 confirmed victims of trafficking, insofar as funds are available for that purpose. Such
29 services may include, but are not limited to, case management, emergency temporary
30 housing, health care, mental health counseling, alcohol and drug addiction screening and
31 treatment, language interpretation and translation services, English language instruction, job
32 training, and placement assistance.

33 ~~[6.]~~ **5.** A victim of trafficking may bring a civil action against a person or persons who
34 plead guilty to or are found guilty of a violation of section 566.203, 566.206, 566.209,
35 566.210, or 566.211 to recover the actual damages sustained by the victim, court costs,
36 including reasonable attorney's fees, and punitive damages, when determined to be
37 appropriate by the court. Any action commenced under this section shall be filed within
38 ten years after the later of:

- 39 (1) The final order in the related criminal case;
40 (2) The victim's emancipation from the defendant; or
41 (3) The victim's eighteenth birthday.

42 ~~[7.]~~ **6.** The attorney general may bring a civil action, in the circuit court in which the
43 victim of trafficking was found, to recover from any person or entity that benefits, financially
44 or by receiving anything of value, from violations of section 566.203, 566.206, 566.209,
45 566.210, or 566.211, a civil penalty of not more than fifty thousand dollars for each violation
46 of section 566.203, 566.206, 566.209, 566.210, or 566.211, and injunctive and other equitable
47 relief as the court may, in its discretion, order. The first priority of any money or property
48 collected under such an action shall be to pay restitution to the victims of trafficking on whose
49 behalf the civil action was brought.

567.010. As used in this chapter, the following terms mean:

- 2 (1) [~~"Deviate sexual intercourse", any sexual act involving the genitals of one person~~
3 ~~and the mouth, hand, tongue, or anus of another person; or any act involving the penetration,~~
4 ~~however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object~~
5 ~~done for the purpose of arousing or gratifying the sexual desire of any person or for the~~
6 ~~purpose of terrorizing the victim;~~
- 7 (2) ~~"Persistent prostitution offender", a person who has been found guilty of two or~~
8 ~~more prostitution-related offenses;~~
- 9 (3) ~~"Prostitution-related offense", any violation of state law for prostitution,~~
10 ~~patronizing prostitution, or promoting prostitution;~~
- 11 (4) ~~"Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual~~
12 ~~contact;~~
- 13 (5) ~~"Sexual contact", any touching of another person with the genitals or any touching~~
14 ~~of the genitals or anus of another person or the breast of a female person, or such touching~~
15 ~~through the clothing, for the purpose of arousing or gratifying sexual desire of any person or~~
16 ~~for the purpose of terrorizing the victim;~~
- 17 (6) ~~"Sexual intercourse", any penetration, however slight, of the female genitalia by~~
18 ~~the penis;~~
- 19 (7) **"Coercion":**
- 20 (a) **A threat of serious harm, including physical or financial harm to or physical**
21 **restraint against any person;**
- 22 (b) **Any scheme, plan, or pattern intended to cause a person to believe that**
23 **failure to perform an act would result in serious bodily or financial harm to or physical**
24 **restraint of any person;**
- 25 (c) **The abuse or threatened abuse of law or legal process;**
- 26 (d) **Withholding, destroying, or confiscating any actual or purported passport,**
27 **immigration document, or any other government identification document of another**
28 **person;**
- 29 (e) **Providing a drug, including alcohol, to another person with the intent to**
30 **impair the person's judgment or maintain a state of chemical dependence;**
- 31 (f) **Wrongfully taking, obtaining, or withholding any property of another**
32 **person;**
- 33 (g) **Blackmail;**
- 34 (h) **Asserting control over the finances of another person; or**
- 35 (i) **Withholding or threatening to withhold food or medication;**
- 36 (2) **"Commercial sex act", any sex act on account of which anything of value is**
37 **given to, promised, or received by any person;**

38 **(3) "Commercial sex act-related offense", any violation of state law for unlawful**
39 **commercial sex acts under section 567.015;**

40 **(4) "Something of value", any money or property, or any token, object or article**
41 **exchangeable for money or property.**

567.015. 1. A person commits the offense of unlawful commercial sex act if such
2 **person:**

3 **(1) Patronizes a person under eighteen years of age for a commercial sex act;**

4 **(2) Patronizes any person for a commercial sex act and such person is being**
5 **compelled through force, fraud, or coercion to engage in the commercial sex act;**

6 **(3) Knowingly promotes a commercial sex act of a person who is under eighteen**
7 **years of age;**

8 **(4) Knowingly promotes a commercial sex act by coercing any person to enter**
9 **into, engage in, or remain in an unlawful commercial sex act; or**

10 **(5) Owns, manages, or operates an interactive computer service, or conspires or**
11 **attempts to do so, with the intent to promote or facilitate the unlawful commercial sex**
12 **act of another that contributed to the offense of trafficking for the purposes of sexual**
13 **exploitation under section 566.209. As used in this subdivision, "interactive computer**
14 **service" means any information service, system, or access software provider that**
15 **provides or enables computer access by multiple users to a computer server, including**
16 **specifically a service or system that provides access to the internet and such systems**
17 **operated or services offered by libraries or educational institutions.**

18 **2. It shall be an affirmative defense under subdivision (2) of subsection 1 of this**
19 **section if the person patronizing the unlawful commercial sex act had no knowledge that**
20 **the commercial sex act was being compelled through force, fraud, or coercion.**

21 **3. It shall not be a defense that the person believed that the individual he or she**
22 **patronized for a commercial sex act was eighteen years of age or older.**

23 **4. Promoting an unlawful commercial sex act under subdivision (3) of subsection**
24 **1 of this section shall be considered abuse of a child, as defined under section 210.110,**
25 **and such abuse shall be reported as required under section 210.115.**

26 **5. The offense of unlawful commercial sex act under subdivision (1) of subsection**
27 **1 of this section is a class E felony if the person patronized is fifteen years of age or older**
28 **but under eighteen years of age and a class D felony if the person patronized is fourteen**
29 **years of age or under. Nothing in this subsection shall preclude the prosecution of an**
30 **individual for the offenses of:**

31 **(1) Statutory rape in the first degree under section 566.032;**

32 **(2) Statutory rape in the second degree under section 566.034;**

33 **(3) Statutory sodomy in the first degree under section 566.062; or**

34 **(4) Statutory sodomy in the second degree under section 566.064.**

35 **6. The offense of unlawful commercial sex act under subdivision (2) of subsection**
 36 **1 of this section is a class B misdemeanor.**

37 **7. The offense of unlawful commercial sex act under subdivision (3) of subsection**
 38 **1 of this section is a class D felony if the person being promoted is sixteen or seventeen**
 39 **years of age and a class B felony if the person being promoted is under sixteen years of**
 40 **age.**

41 **8. The offense of unlawful commercial sex act under subdivision (4) of subsection**
 42 **1 of this section is a class B felony.**

43 **9. The offense of unlawful commercial sex act under subdivision (5) of subsection**
 44 **1 of this section is a class A felony.**

45 **10. (1) A person injured by the acts committed in violation of subdivision (5) of**
 46 **subsection 1 of this section or subdivision (3) of subsection 1 of this section if the person**
 47 **being promoted is under sixteen years of age shall have a civil cause of action to recover**
 48 **damages and reasonable attorney's fees for such injury.**

49 **(2) In addition to the court's authority to order a defendant to make restitution**
 50 **for the damage or loss caused by his or her offense as provided under section 559.105,**
 51 **the court shall enter a judgment of restitution against the defendant convicted of**
 52 **violating subdivision (5) of subsection 1 of this section or subdivision (3) of subsection 1**
 53 **of this section.**

567.080. 1. Any room, building or other structure regularly used for ~~[any prostitution~~
 2 ~~activity]~~ **an unlawful commercial sex act** prohibited by this chapter is a public nuisance.

3 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all
 4 criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the
 5 owner of the room, building or structure knew or had reason to believe that the premises were
 6 being used regularly for ~~[prostitution activity]~~ **unlawful commercial sex acts**, the court may
 7 order that the premises shall not be occupied or used for such period as the court may
 8 determine, not to exceed one year.

9 3. All persons, including owners, lessees, officers, agents, inmates or employees,
 10 aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the
 11 nuisance, and they may be enjoined from engaging in ~~[any prostitution activity]~~ **an unlawful**
 12 **commercial sex act** anywhere within the jurisdiction of the court.

13 4. Appeals shall be allowed from the judgment of the court as in other civil actions.

573.503. Notwithstanding any provision of law to the contrary, any city not within a
 2 county and any county may, by order or ordinance, require a background check be conducted
 3 on all employees of any adult cabaret to ascertain whether any such employees have been
 4 convicted of or have pled guilty to any misdemeanor or felony involving ~~[prostitution or~~

5 ~~aiding or abetting prostitution]~~ **an unlawful commercial sex act**, drug possession or
6 trafficking, money laundering, tax evasion, or illegal gambling activity.

573.525. 1. It is the purpose of sections 573.525 to 573.537 to regulate sexually
2 oriented businesses in order to promote the health, safety, and general welfare of the citizens
3 of this state, and to establish reasonable and uniform regulations to prevent the deleterious
4 secondary effects of sexually oriented businesses within the state. The provisions of sections
5 573.525 to 573.537 have neither the purpose nor effect of imposing a limitation or restriction
6 on the content or reasonable access to any communicative materials, including sexually
7 oriented materials. Similarly, it is neither the intent nor effect of sections 573.525 to 573.537
8 to restrict or deny access by adults to sexually oriented materials protected by the first
9 amendment, or to deny access by the distributors and exhibitors of sexually oriented
10 entertainment to their intended market. Neither is it the intent nor effect of sections 573.525
11 to 573.537 to condone or legitimize the distribution of obscene material.

12 2. The general assembly finds that:

13 (1) Sexually oriented businesses, as a category of commercial enterprises, are
14 associated with a wide variety of adverse secondary effects, including but not limited to
15 personal and property crimes, ~~prostitution,~~ **unlawful commercial sex acts**, potential spread
16 of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking,
17 negative impacts on surrounding properties, urban blight, litter, and sexual assault and
18 exploitation;

19 (2) Sexually oriented businesses should be separated from sensitive land uses to
20 minimize the impact of their secondary effects upon such uses, and should be separated from
21 other sexually oriented businesses, to minimize the secondary effects associated with such
22 uses and to prevent an unnecessary concentration of sexually oriented businesses in one area;

23 (3) Each of the foregoing negative secondary effects constitutes a harm which the
24 state has a substantial interest in preventing or abating, or both. Such substantial government
25 interest in preventing secondary effects, which is the state's rationale for sections 573.525 to
26 573.537, exists independent of any comparative analysis between sexually oriented and
27 nonsexually oriented businesses. Additionally, the state's interest in regulating sexually
28 oriented businesses extends to preventing future secondary effects of current or future
29 sexually oriented businesses that may locate in the state.

573.531. 1. No person shall establish a sexually oriented business within one
2 thousand feet of any preexisting primary or secondary school, house of worship, state-
3 licensed day care facility, public library, public park, residence, or other sexually oriented
4 business. This subsection shall not apply to any sexually oriented business lawfully
5 established prior to August 28, 2010. For purposes of this subsection, measurements shall be
6 made in a straight line, without regard to intervening structures or objects, from the closest

7 portion of the parcel containing the sexually oriented business to the closest portion of the
8 parcel containing the preexisting primary or secondary school, house of worship, state-
9 licensed day care facility, public library, public park, residence, or other sexually oriented
10 business.

11 2. No person shall establish a sexually oriented business if a person with an
12 influential interest in the sexually oriented business has been found guilty of any of the
13 following specified offenses for which less than eight years has elapsed since the date of
14 conviction or the date of release from confinement for the conviction, whichever is later:

15 (1) Rape and sexual assault offenses;

16 (2) Sexual offenses involving minors;

17 (3) Offenses involving ~~prostitution~~ **unlawful commercial sex acts**;

18 (4) Obscenity offenses;

19 (5) Offenses involving money laundering;

20 (6) Offenses involving tax evasion;

21 (7) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in
22 subdivisions (1) to (6) of this subsection; or

23 (8) Any offense committed in another jurisdiction which if committed in this state
24 would have constituted an offense listed in subdivisions (1) to (7) of this subsection.

25 3. No person shall knowingly or intentionally, in a sexually oriented business, appear
26 in a state of nudity.

27 4. No employee shall knowingly or intentionally, in a sexually oriented business,
28 appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain
29 on a fixed stage at least six feet from all patrons and at least eighteen inches from the floor in
30 a room of at least six hundred square feet.

31 5. No employee, who appears in a semi-nude condition in a sexually oriented
32 business, shall knowingly or intentionally touch a patron or the clothing of a patron in a
33 sexually oriented business.

34 6. A sexually oriented business, which exhibits on the premises, through any
35 mechanical or electronic image-producing device, a film, video cassette, digital video disc, or
36 other video reproduction, characterized by an emphasis on the display of specified sexual
37 activities or specified anatomical areas shall comply with the following requirements:

38 (1) The interior of the premises shall be configured in such a manner that there is an
39 unobstructed view from an operator's station of every area of the premises, including the
40 interior of each viewing room but excluding restrooms, to which any patron is permitted
41 access for any purpose;

42 (2) An operator's station shall not exceed thirty-two square feet of floor area;

43 (3) If the premises has two or more operator's stations designated, the interior of the
44 premises shall be configured in such a manner that there is an unobstructed view of each area
45 of the premises to which any patron is permitted access for any purpose from at least one of
46 the operator's stations;

47 (4) The view required under this subsection shall be by direct line of sight from the
48 operator's station;

49 (5) It is the duty of the operator to ensure that at least one employee is on duty and
50 situated in an operator's station at all times that any patron is on the portion of the premises
51 monitored by such operator station; and

52 (6) It shall be the duty of the operator and of any employees present on the premises
53 to ensure that the view area specified in this subsection remains unobstructed by any doors,
54 curtains, walls, merchandise, display racks, or other materials or enclosures at all times that
55 any patron is present on the premises.

56 7. Sexually oriented businesses that do not have stages or interior configurations
57 which meet at least the minimum requirements of sections 573.525 to 573.537 shall be given
58 one hundred eighty days after August 28, 2010, to comply with the stage and building
59 requirements of sections 573.525 to 573.537. During such one hundred eighty-day period,
60 any employee who appears within view of any patron in a semi-nude condition shall remain,
61 while semi-nude, at least six feet from all patrons.

62 8. No operator shall allow or permit a sexually oriented business to be or remain open
63 between the hours of 12:00 midnight and 6:00 a.m. on any day.

64 9. No person shall knowingly or intentionally sell, use, or consume alcoholic
65 beverages on the premises of a sexually oriented business.

66 10. No person shall knowingly allow a person under the age of eighteen years on the
67 premises of a sexually oriented business.

68 11. As used in this section, the following terms mean:

69 (1) "Establish" or "establishment", includes any of the following:

70 (a) The opening or commencement of any sexually oriented business as a new
71 business;

72 (b) The conversion of an existing business, whether or not a sexually oriented
73 business, to any sexually oriented business; or

74 (c) The addition of any sexually oriented business to any other existing sexually
75 oriented business;

76 (2) "Influential interest", includes any of the following:

77 (a) The actual power to operate a sexually oriented business or control the operation,
78 management, or policies of a sexually oriented business or legal entity which operates a
79 sexually oriented business;

80 (b) Ownership of a financial interest of thirty percent or more of a business or of any
81 class of voting securities of a business; or

82 (c) Holding an office, such as president, vice president, secretary, treasurer, managing
83 member, or managing director, in a legal entity which operates a sexually oriented business;

84 (3) "Viewing room", the room, booth, or area where a patron of a sexually oriented
85 business would ordinarily be positioned while watching a film, video cassette, digital video
86 disc, or other video reproduction.

577.675. 1. A person commits the offense of transportation of an illegal alien if he or
2 she knowingly transports, moves, or attempts to transport or move any illegal alien who is not
3 lawfully present in the United States, according to the terms of 8 U.S.C. Section 1101, et seq.,
4 for the purposes of trafficking in violation of sections 566.200 to 566.215, drug trafficking in
5 violation of sections 579.065 and 579.068, ~~[prostitution]~~ **unlawful commercial sex acts** in
6 violation of chapter 567, or employment.

7 2. The offense of transportation of an illegal alien is a class D felony.

8 3. Nothing in this section shall be construed to deny any victim of an offense under
9 sections 566.200 to 566.215 of rights afforded by the federal Trafficking Victims Protection
10 Act of 2000, Public Law 106-386, as amended.

578.421. 1. Sections 578.421 to 578.437 shall be known and may be cited as the
2 "Missouri Criminal Street Gangs Prevention Act".

3 2. As used in sections 578.421 to 578.437, the following terms mean:

4 (1) "Criminal street gang", any ongoing organization, association, or group of three or
5 more persons, whether formal or informal, having as one of its motivating activities the
6 commission of one or more of the criminal acts enumerated in subdivision (2) of this
7 subsection, whose members individually or collectively engage in or have engaged in a
8 pattern of criminal gang activity;

9 (2) "Pattern of criminal street gang activity", the commission, attempted commission,
10 or solicitation of two or more of the following offenses, provided at least one of those
11 offenses occurred after August 28, 1993, and the last of those offenses occurred within three
12 years after a prior offense, and the offenses are committed on separate occasions, or by two or
13 more persons:

14 (a) Assault with a deadly weapon or by means of force likely to cause serious
15 physical injury, as provided in sections 565.050 and 565.052;

16 (b) Robbery, arson and those offenses under chapter 569 which are related to robbery
17 and arson;

18 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

19 (d) Any violation of the provisions of chapter 579 which involves the distribution,
20 delivery or manufacture of a substance prohibited by chapter 579;

- 21 (e) Unlawful use of a weapon which is a felony pursuant to section 571.030;
 22 (f) Tampering with witnesses and victims, as provided in section 575.270;
 23 (g) Promoting online sexual solicitation, as provided in section 566.103;
 24 (h) Sexual trafficking of a child in the first degree, as provided in section 566.210;
 25 (i) Sexual trafficking of a child in the second degree, as provided in section 566.211;
 26 (j) ~~[Patronizing prostitution, as provided in subsection 4 of section 567.030;~~
 27 ~~(k) Promoting prostitution in the first degree, as provided in section 567.050;~~
 28 ~~(l) Promoting prostitution in the second degree, as provided in section 567.060]~~

29 **Unlawful commercial sex acts, as provided in section 567.015;**

- 30 ~~[(m)]~~ (k) Abuse or neglect of a child, as provided in subsection 6 of section 568.060;
 31 ~~[(n)]~~ (l) Sexual exploitation of a minor, as provided in section 573.023;
 32 ~~[(o)]~~ (m) Child used in sexual performance, as provided in section 573.200;
 33 ~~[(p)]~~ (n) Promoting sexual performance by a child, as provided in section 573.205; or
 34 ~~[(q)]~~ (o) Any dangerous felony, as defined in section 556.061.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

- 2 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an
 3 offense referenced in section 589.414, unless such person is exempt from registering under
 4 subsection 9 or 10 of this section or section 589.401;
 5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been
 6 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
 7 conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the
 8 first degree when the victim was a child and the defendant was not a parent or guardian of the
 9 child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious
 10 restraint or kidnapping in the second degree when the victim was a child and the defendant is
 11 not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a
 12 nursing home or sexual conduct with a nursing facility resident or vulnerable person in the
 13 first or second degree; endangering the welfare of a child under section 568.045 when the
 14 endangerment is sexual in nature; genital mutilation of a female child, under section 568.065;
 15 ~~[promoting prostitution in the first degree; promoting prostitution in the second degree;~~
 16 ~~promoting prostitution in the third degree]~~ **unlawful commercial sex acts**; sexual
 17 exploitation of a minor; promoting child pornography in the first degree; promoting child
 18 pornography in the second degree; possession of child pornography; furnishing pornographic
 19 material to minors; public display of explicit sexual material; coercing acceptance of obscene
 20 material; promoting obscenity in the first degree; promoting pornography for minors or
 21 obscenity in the second degree; incest; use of a child in a sexual performance; or promoting
 22 sexual performance by a child; patronizing prostitution if the individual the person patronizes
 23 is less than eighteen years of age;

24 (3) Any person who, since July 1, 1979, has been committed to the department of
25 mental health as a criminal sexual psychopath;

26 (4) Any person who, since July 1, 1979, has been found not guilty as a result of
27 mental disease or defect of any offense referenced in section 589.414;

28 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
29 who has been adjudicated for an offense listed under section 589.414;

30 (6) Any juvenile fourteen years of age or older at the time of the offense who has
31 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse
32 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
33 offense;

34 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
35 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,
36 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,
37 would constitute an offense listed under section 589.414, or has been or is required to register
38 in another state, territory, the District of Columbia, or foreign country, or has been or is
39 required to register under tribal, federal, or military law; or

40 (8) Any person who has been or is required to register in another state, territory, the
41 District of Columbia, or foreign country, or has been or is required to register under tribal,
42 federal, or military law and who works or attends an educational institution, whether public or
43 private in nature, including any secondary school, trade school, professional school, or
44 institution of higher education on a full-time or on a part-time basis or has a temporary
45 residence in Missouri. "Part-time" in this subdivision means for more than seven days in any
46 twelve-month period.

47 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
48 days of adjudication, release from incarceration, or placement upon probation, register with
49 the chief law enforcement official of the county or city not within a county in which such
50 person resides unless such person has already registered in that county for the same offense.
51 For any juvenile under subdivision (6) of subsection 1 of this section, within three business
52 days of adjudication or release from commitment to the division of youth services, the
53 department of mental health, or other placement, such juvenile shall register with the chief
54 law enforcement official of the county or city not within a county in which he or she resides
55 unless he or she has already registered in such county or city not within a county for the same
56 offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in
57 their county of residence shall register with the chief law enforcement official of such county
58 or city not within a county within three business days. The chief law enforcement official
59 shall forward a copy of the registration form required by section 589.407 to a city, town,

60 village, or campus law enforcement agency located within the county of the chief law
61 enforcement official.

62 3. The registration requirements of sections 589.400 through 589.425 shall be as
63 provided under subsection 4 of this section unless:

64 (1) All offenses requiring registration are reversed, vacated, or set aside;

65 (2) The registrant is no longer required to register and his or her name shall be
66 removed from the registry under the provisions of section 589.414; or

67 (3) The court orders the removal or exemption of such person from the registry under
68 section 589.401.

69 4. The registration requirements shall be as follows:

70 (1) Fifteen years if the offender is a tier I sex offender as provided under section
71 589.414;

72 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
73 589.414; or

74 (3) The life of the offender if the offender is a tier III sex offender.

75 5. (1) The registration period shall be reduced as described in subdivision (3) of this
76 subsection for a sex offender who maintains a clean record for the periods described under
77 subdivision (2) of this subsection by:

78 (a) Not being adjudicated of any offense for which imprisonment for more than one
79 year may be imposed;

80 (b) Not being adjudicated of any sex offense;

81 (c) Successfully completing any periods of supervised release, probation, or parole;
82 and

83 (d) Successfully completing an appropriate sex offender treatment program certified
84 by the attorney general.

85 (2) In the case of a:

86 (a) Tier I sex offender, the period during which the clean record shall be maintained is
87 ten years;

88 (b) Tier III sex offender adjudicated delinquent for the offense which required
89 registration in a sex offender registry under sections 589.400 to 589.425, the period during
90 which the clean record shall be maintained is twenty-five years.

91 (3) In the case of a:

92 (a) Tier I sex offender, the reduction is five years;

93 (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that
94 period for which the clean record under paragraph (b) of subdivision (2) of this subsection is
95 maintained.

96 6. For processing an initial sex offender registration the chief law enforcement officer
97 of the county or city not within a county may charge the offender registering a fee of up to ten
98 dollars.

99 7. For processing any change in registration required pursuant to section 589.414 the
100 chief law enforcement official of the county or city not within a county may charge the person
101 changing their registration a fee of five dollars for each change made after the initial
102 registration.

103 8. Any person currently on the sexual offender registry or who otherwise would be
104 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
105 nature when the victim was a child and he or she was the parent or guardian of the child,
106 nonsexual child abuse that was committed under section 568.060, or kidnapping of a
107 nonsexual nature when the victim was a child and he or she was the parent or guardian of the
108 child shall be removed from the registry. However, such person shall remain on the sexual
109 offender registry for any other offense for which he or she is required to register under
110 sections 589.400 to 589.425.

111 9. The following persons shall be exempt from registering as a sexual offender upon
112 petition to the court of jurisdiction under section 589.401; except that, such person shall
113 remain on the sexual offender registry for any other offense for which he or she is required to
114 register under sections 589.400 to 589.425:

115 (1) Any person currently on the sexual offender registry or who otherwise would be
116 required to register for a sexual offense involving:

117 (a) Sexual conduct where no force or threat of force was directed toward the victim or
118 any other individual involved, if the victim was an adult, unless the adult was under the
119 custodial authority of the offender at the time of the offense; or

120 (b) Sexual conduct where no force or threat of force was directed toward the victim,
121 the victim was at least fourteen years of age, and the offender was not more than four years
122 older than the victim at the time of the offense; or

123 (2) Any person currently required to register for the following sexual offenses:

124 (a) Promoting obscenity in the first degree under section 573.020;

125 (b) Promoting obscenity in the second degree under section 573.030;

126 (c) Furnishing pornographic materials to minors under section 573.040;

127 (d) Public display of explicit sexual material under section 573.060;

128 (e) Coercing acceptance of obscene material under section 573.065;

129 (f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced
130 labor under section 566.206;

131 (g) Abusing an individual through forced labor under section 566.203;

132 (h) Contributing to human trafficking through the misuse of documentation under
133 section 566.215; or

134 (i) Acting as an international marriage broker and failing to provide the information
135 and notice as required under section 578.475.

136 10. Any person currently on the sexual offender registry for having been adjudicated
137 for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable
138 offenses listed under section 589.414 may file a petition under section 589.401.

139 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
140 student shall register for the duration of such person's employment, including participation as
141 a volunteer or intern, or attendance at any school of higher education whether public or
142 private, including any secondary school, trade school, professional school, or institution of
143 higher education on a full-time or part-time basis in this state unless granted relief under
144 section 589.401. Any registered offender shall provide information regarding any place in
145 which the offender is staying when away from his or her residence for seven or more days,
146 including the period of time the offender is staying in such place. Any registered offender
147 from another state who has a temporary residence in this state and resides more than seven
148 days in a twelve-month period shall register for the duration of such person's temporary
149 residency unless granted relief under section 589.401.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall,
2 within three business days, appear in person to the chief law enforcement officer of the
3 county or city not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within
10 three business days, notify the chief law enforcement official of the county or city not within
11 a county of any changes to the following information:

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;
- 15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
- 17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately forward the registration changes described under subsections 1 and 2 of this
21 section to the Missouri state highway patrol within three business days.

22 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the
25 person last registered and the chief law enforcement official of the county or city not within a
26 county having jurisdiction over the new residence or address in writing within three business
27 days of such new address and phone number, if the phone number is also changed. If any
28 person required by sections 589.400 to 589.425 to register changes his or her state, territory,
29 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
30 residence, the person shall appear in person and shall inform both the chief law enforcement
31 official with whom the person was last registered and the chief law enforcement official of the
32 area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal,
33 or military jurisdiction having jurisdiction over the new residence or address within three
34 business days of such new address. Whenever a registrant changes residence, the chief law
35 enforcement official of the county or city not within a county where the person was
36 previously registered shall inform the Missouri state highway patrol of the change within
37 three business days. When the registrant is changing the residence to a new state, territory,
38 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
39 Missouri state highway patrol shall inform the responsible official in the new state, territory,
40 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
41 residence within three business days.

42 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
43 section, shall report in person to the chief law enforcement official annually in the month of
44 their birth to verify the information contained in their statement made pursuant to section
45 589.407. Tier I sexual offenders include:

46 (1) Any offender who has been adjudicated for the offense of:

47 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
48 years of age or older;

49 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense
50 and the punishment is less than one year;

51 (c) Sexual abuse in the second degree under section 566.101 if the punishment is less
52 than a year;

53 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;

54 (e) Kidnapping in the third degree under section 565.130;

- 55 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first
56 degree under section 566.115 if the punishment is less than one year;
- 57 (g) Sexual conduct under section 566.116 with a nursing facility resident or
58 vulnerable person;
- 59 (h) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty**
60 under section 566.145 if the victim is eighteen years of age or older;
- 61 (i) Sex with an animal under section 566.111;
- 62 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the
63 victim is eighteen years of age or older;
- 64 (k) Possession of child pornography under section 573.037;
- 65 (l) Sexual misconduct in the first degree under section 566.093;
- 66 (m) Sexual misconduct in the second degree under section 566.095;
- 67 (n) Child molestation in the second degree under section 566.068 as it existed prior to
68 January 1, 2017, if the punishment is less than one year; or
- 69 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years
70 of age;
- 71 (2) Any offender who is or has been adjudicated in any other state, territory, the
72 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
73 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
74 offenses listed in this subsection or, if not comparable to those in this subsection, comparable
75 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
76 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 77 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
78 section, shall report semiannually in person in the month of their birth and six months
79 thereafter to the chief law enforcement official to verify the information contained in their
80 statement made pursuant to section 589.407. Tier II sexual offenders include:
- 81 (1) Any offender who has been adjudicated for the offense of:
- 82 (a) Statutory sodomy in the second degree under section 566.064 if the victim is
83 sixteen to seventeen years of age;
- 84 (b) Child molestation in the third degree under section 566.069 if the victim is
85 between thirteen and fourteen years of age;
- 86 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to
87 seventeen years of age;
- 88 (d) Enticement of a child under section 566.151;
- 89 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
90 victim is thirteen to seventeen years of age;
- 91 (f) Sexual exploitation of a minor under section 573.023;

- 92 (g) Promoting child pornography in the first degree under section 573.025;
- 93 (h) Promoting child pornography in the second degree under section 573.035;
- 94 (i) Patronizing [~~prostitution under section 567.030~~] **an unlawful commercial sex act**
- 95 **under subdivision (1) of subsection 1 of section 567.015;**
- 96 (j) Sexual [~~contact with a prisoner or offender~~] **conduct in the course of public duty**
- 97 under section 566.145 if the victim is thirteen to seventeen years of age;
- 98 (k) Child molestation in the fourth degree under section 566.071 if the victim is
- 99 thirteen to seventeen years of age;
- 100 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense
- 101 and the penalty is a term of imprisonment of more than a year; or
- 102 (m) Age misrepresentation with intent to solicit a minor under section 566.153;
- 103 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
- 104 in this section or failure to register offense under section 589.425 or comparable out-of-state
- 105 failure to register offense and who is already required to register as a tier I offender due to
- 106 having been adjudicated of a tier I offense on a previous occasion; or
- 107 (3) Any person who is or has been adjudicated in any other state, territory, the District
- 108 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
- 109 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses
- 110 listed in this subsection or, if not comparable to those in this subsection, comparable to those
- 111 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I
- 112 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 113 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
- 114 this section, shall report in person to the chief law enforcement official every ninety days to
- 115 verify the information contained in their statement made under section 589.407. Tier III
- 116 sexual offenders include:
- 117 (1) Any offender registered as a predatory sexual offender as defined in section
- 118 566.123 or a persistent sexual offender as defined in section 566.124;
- 119 (2) Any offender who has been adjudicated for the crime of:
- 120 (a) Rape in the first degree under section 566.030;
- 121 (b) Statutory rape in the first degree under section 566.032;
- 122 (c) Rape in the second degree under section 566.031;
- 123 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
- 124 offense is sexual in nature;
- 125 (e) Sodomy in the first degree under section 566.060;
- 126 (f) Statutory sodomy under section 566.062;
- 127 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of
- 128 age;

- 129 (h) Sodomy in the second degree under section 566.061;
- 130 (i) Sexual misconduct involving a child under section 566.083 if the offense is a
131 second or subsequent offense;
- 132 (j) Sexual abuse in the first degree under section 566.100 if the victim is under
133 thirteen years of age;
- 134 (k) Kidnapping in the first degree under section 565.110 if the victim is under
135 eighteen years of age, excluding kidnapping by a parent or guardian;
- 136 (l) Child kidnapping under section 565.115;
- 137 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
138 degree under section 566.115 if the punishment is greater than a year;
- 139 (n) Incest under section 568.020;
- 140 (o) Endangering the welfare of a child in the first degree under section 568.045 with
141 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 142 (p) Child molestation in the first degree under section 566.067;
- 143 (q) Child molestation in the second degree under section 566.068;
- 144 (r) Child molestation in the third degree under section 566.069 if the victim is under
145 thirteen years of age;
- 146 (s) Promoting ~~[prostitution in the first degree under]~~ **an unlawful commercial sex**
147 **act under subdivisions (3) of subsection 1 of** section ~~[567.050]~~ **567.015** if the victim is
148 under eighteen years of age;
- 149 (t) ~~[Promoting prostitution in the second degree under section 567.060 if the victim is~~
150 ~~under eighteen years of age;~~
- 151 (u) ~~Promoting prostitution in the third degree under section 567.070 if the victim is~~
152 ~~under eighteen years of age;~~
- 153 (v) ~~Promoting travel for prostitution under section 567.085 if the victim is under~~
154 ~~eighteen years of age;~~
- 155 ~~(w)]~~ Trafficking for the purpose of sexual exploitation under section 566.209 if the
156 victim is under eighteen years of age;
- 157 ~~[(x)]~~ (u) Sexual trafficking of a child in the first degree under section 566.210;
- 158 ~~[(y)]~~ (v) Sexual trafficking of a child in the second degree under section 566.211;
- 159 ~~[(z)]~~ (w) Genital mutilation of a female child under section 568.065;
- 160 ~~[(aa)]~~ (x) Statutory rape in the second degree under section 566.034;
- 161 ~~[(bb)]~~ (y) Child molestation in the fourth degree under section 566.071 if the victim is
162 under thirteen years of age;
- 163 ~~[(cc)]~~ (z) Sexual abuse in the second degree under section 566.101 if the penalty is a
164 term of imprisonment of more than a year;

165 ~~[(dd)]~~ **(aa)** Patronizing ~~[prostitution]~~ **an unlawful commercial sex act** under section
166 ~~[567.030]~~ **567.015** if the offender is a persistent offender;

167 ~~[(ee)]~~ **(bb)** Abuse of a child under section 568.060 if the offense is of a sexual nature
168 and the victim is under thirteen years of age;

169 ~~[(ff)]~~ **(cc)** Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of**
170 **public duty** under section 566.145 if the victim is under thirteen years of age;

171 ~~[(gg)]~~ **(dd)** Sexual ~~[intercourse with a prisoner or offender]~~ **conduct in the course of**
172 **public duty** under section 566.145;

173 ~~[(hh)]~~ **(ee)** Sexual contact with a student under section 566.086 if the victim is under
174 thirteen years of age;

175 ~~[(ii)]~~ **(ff)** Use of a child in a sexual performance under section 573.200; or

176 ~~[(jj)]~~ **(gg)** Promoting a sexual performance by a child under section 573.205;

177 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II
178 offense listed in this section or failure to register offense under section 589.425, or other
179 comparable out-of-state failure to register offense, who has been or is already required to
180 register as a tier II offender because of having been adjudicated for a tier II offense, two tier I
181 offenses, or combination of a tier I offense and failure to register offense, on a previous
182 occasion;

183 (4) Any offender who is adjudicated in any other state, territory, the District of
184 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
185 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
186 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I
187 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

188 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
189 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier
190 II offense in this section.

191 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
192 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
193 public or private, including any secondary school, trade school, professional school, or
194 institution of higher education, on a full-time or part-time basis or have a temporary residence
195 in this state shall be required to report in person to the chief law enforcement officer in the
196 area of the state where they work, including as a volunteer or unpaid intern, or attend any
197 school or training and register in that state. "Part-time" in this subsection means for more
198 than seven days in any twelve-month period.

199 9. If a person who is required to register as a sexual offender under sections 589.400
200 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person

201 shall report such information in the same manner as a change of residence before using such
 202 online identifier.

595.120. 1. Prior to January 1, 2019, the department of public safety shall create a
 2 poster that provides information regarding the national human trafficking resource center
 3 hotline. The poster shall be no smaller than eight and one-half inches by eleven inches in size
 4 and shall include a statement in substantially the following form:

5 "If you or someone you know is being forced to engage in any activity
 6 and cannot leave – whether it is commercial sex, housework, farm
 7 work, or any other activity – call the National Human Trafficking
 8 Resource Center Hotline at 1-888-373-7888 or text 233733
 9 (BEFREE) or visit the following website:

10 www.traffickingresourcecenter.org to access help and services.

11 Victims of human trafficking are protected under U.S. and Missouri
 12 law.

13 The toll-free hotline is:

- 14 - Available 24 hours a day, 7 days a week
- 15 - Operated by a nonprofit, nongovernmental organization
- 16 - Anonymous and confidential
- 17 - Accessible in 170 languages
- 18 - Able to provide help, referral to services, training, and general
 19 information."

20
 21 The statement shall appear on each poster in English, Spanish, and, for each county, any other
 22 language required for voting materials in that county under Section 1973 of the Voting Rights
 23 Act of 1965, 42 U.S.C. Section 1973, as amended. In addition to the national human
 24 trafficking resource center hotline, the statement may contain any additional hotlines
 25 regarding human trafficking for access to help and services.

26 2. Beginning March 1, 2019, the human trafficking hotline poster designed by the
 27 department of public safety shall be displayed in a conspicuous place in or near the bathrooms
 28 or near the entrance of each of the following establishments:

29 (1) ~~[Hotels, motels, or other establishments that have been cited as a public nuisance
 30 for prostitution under section 567.080;~~

31 (2) Strip clubs or other sexually oriented businesses;

32 (3) Private clubs that have a liquor permit for on-premises consumption, do not
 33 hold themselves out to be food service establishments, and are not affiliated with any
 34 nonprofit fraternal, athletic, religious, or veteran ~~[organizations]~~ **organization**;

35 (4) (3) Airports;

- 36 [~~5~~] (4) Train stations that serve passengers;
- 37 [~~6~~] (5) Emergency rooms within general acute care hospitals;
- 38 [~~7~~] (6) Urgent care centers;
- 39 [~~8~~] (7) Privately operated job recruitment centers;
- 40 [~~9~~] (8) Businesses or establishments that offer massage or body work services for
- 41 compensation by individuals who are not licensed under section 324.265;
- 42 [~~10~~] (9) Women's health centers;
- 43 [~~11~~] (10) Abortion facilities as defined in section 188.015;
- 44 [~~12~~] (11) Family planning clinics;
- 45 [~~13~~] (12) Maternity homes as defined in section 135.600;
- 46 [~~14~~] (13) Pregnancy resource centers as defined in section 135.630;
- 47 [~~15~~] (14) Bus stations;
- 48 [~~16~~] (15) Truck stops. For the purposes of this section, "truck stops" shall mean
- 49 privately owned and operated facilities that provide food, fuel, shower or other sanitary
- 50 facilities, and lawful overnight parking; and
- 51 [~~17~~] (16) Roadside rest areas.

52 3. The department of public safety shall make the poster available for print on its

53 public website. To obtain a copy of the poster, the owners or operators of an establishment

54 required to post the human trafficking hotline notice under subsection 2 of this section may

55 print the online poster using the online link or request that the poster be mailed for the cost of

56 printing and first class postage.

57 4. Any owner or operator of an establishment required to post the human trafficking

58 hotline notice under subsection 2 of this section who fails to comply with the requirement

59 shall receive a written warning for the first violation and may be guilty of an infraction for

60 any subsequent violation.

610.131. 1. Notwithstanding the provisions of section 610.140 to the contrary, a

2 person who at the time of the offense was under the age of eighteen, and has pleaded guilty or

3 has been convicted for the offense of prostitution under section 567.020, **as it existed prior to**

4 **August 28, 2022**, may apply to the court in which he or she pled guilty or was sentenced for

5 an order to expunge from all official records all recordations of his or her arrest, plea, trial, or

6 conviction. If the court determines that such person was under the age of eighteen or was

7 acting under the coercion, as defined in section 566.200, of an agent when committing the

8 offense that resulted in a plea of guilty or conviction under section 567.020, **as it existed**

9 **prior to August 28, 2022**, the court shall enter an order of expungement.

10 2. Upon granting of the order of expungement, the records and files maintained in any

11 administrative or court proceeding in an associate or circuit division of the circuit court under

12 this section shall be confidential and only available to the parties or by order of the court for

13 good cause shown. The effect of such order shall be to restore such person to the status he or
 14 she occupied prior to such arrest, plea, or conviction and as if such event had never taken
 15 place. No person as to whom such order has been entered shall be held thereafter under any
 16 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of
 17 his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement
 18 in response to any inquiry made of him or her for any purpose whatsoever and no such
 19 inquiry shall be made for information relating to an expungement under this section.

2 ~~[567.020. 1. A person commits the offense of prostitution if he or she~~
 3 ~~engages in or offers or agrees to engage in sexual conduct with another person~~
 4 ~~in return for something of value to be received by any person.~~

5 ~~2. The offense of prostitution is a class B misdemeanor unless the~~
 6 ~~person knew prior to performing the act of prostitution that he or she was~~
 7 ~~infected with HIV in which case prostitution is a class B felony. The use of~~
 8 ~~condoms is not a defense to this offense.~~

9 ~~3. As used in this section, "HIV" means the human immunodeficiency~~
 10 ~~virus that causes acquired immunodeficiency syndrome.~~

11 ~~4. The judge may order a drug and alcohol abuse treatment program~~
 12 ~~for any person found guilty of prostitution, either after trial or upon a plea of~~
 13 ~~guilty, before sentencing. For the class B misdemeanor offense, upon the~~
 14 ~~successful completion of such program by the defendant, the court may at its~~
 15 ~~discretion allow the defendant to withdraw the plea of guilty or reverse the~~
 16 ~~verdict and enter a judgment of not guilty. For the class B felony offense, the~~
 17 ~~court shall not allow the defendant to withdraw the plea of guilty or reverse the~~
 18 ~~verdict and enter a judgment of not guilty. The judge, however, has discretion~~
 19 ~~to take into consideration successful completion of a drug or alcohol treatment~~
 20 ~~program in determining the defendant's sentence.~~

21 ~~5. In addition to the affirmative defense provided in subsection 2 of~~
 22 ~~section 566.223, it shall be an affirmative defense to prosecution pursuant to~~
 23 ~~this section that the defendant was under the age of eighteen and was acting~~
 24 ~~under the coercion, as defined in section 566.200, of an agent at the time of the~~
 25 ~~offense charged. In such cases where the defendant was under the age of~~
 26 ~~eighteen, the defendant shall be classified as a victim of abuse, as defined~~
 27 ~~under section 210.110, and such abuse shall be reported, as required under~~
 28 ~~section 210.115.]~~

2 ~~[567.030. 1. A person commits the offense of patronizing prostitution~~
 3 ~~if he or she:~~

4 ~~(1) Pursuant to a prior understanding, gives something of value to~~
 5 ~~another person as compensation for having engaged in sexual conduct with~~
 6 ~~any person; or~~

7 ~~(2) Gives or agrees to give something of value to another person with~~
 8 ~~the understanding that such person or another person will engage in sexual~~
 9 ~~conduct with any person; or~~

10 ~~(3) Solicits or requests another person to engage in sexual conduct~~
 11 ~~with any person in return for something of value.~~

11 2. It shall not be a defense that the person believed that the individual
12 ~~he or she patronized for prostitution was eighteen years of age or older.~~

13 3. ~~The offense of patronizing prostitution is a class B misdemeanor,~~
14 ~~unless the individual who the person patronizes is less than eighteen years of~~
15 ~~age but older than fourteen years of age, in which case patronizing prostitution~~
16 ~~is a class E felony.~~

17 4. ~~The offense of patronizing prostitution is a class D felony if the~~
18 ~~individual who the person patronizes is fourteen years of age or younger.~~
19 ~~Nothing in this section shall preclude the prosecution of an individual for the~~
20 ~~offenses of:~~

- 21 (1) ~~Statutory rape in the first degree pursuant to section 566.032;~~
- 22 (2) ~~Statutory rape in the second degree pursuant to section 566.034;~~
- 23 (3) ~~Statutory sodomy in the first degree pursuant to section 566.062; or~~
- 24 (4) ~~Statutory sodomy in the second degree pursuant to section~~
25 ~~566.064.]~~

2 ~~[567.050. 1. A person commits the offense of promoting prostitution~~
3 ~~in the first degree if he or she knowingly:~~

- 4 (1) ~~Promotes prostitution by compelling a person to enter into, engage~~
5 ~~in, or remain in prostitution;~~
- 6 (2) ~~Promotes prostitution of a person less than sixteen years of age; or~~
- 7 (3) ~~Owns, manages, or operates an interactive computer service, or~~
8 ~~conspires or attempts to do so, with the intent to promote or facilitate the~~
9 ~~prostitution of another. As used in this subdivision, the term "interactive~~
10 ~~computer service" shall mean any information service, system, or access~~
11 ~~software provider that provides or enables computer access by multiple users~~
12 ~~to a computer server, including specifically a service or system that provides~~
13 ~~access to the internet and such systems operated or services offered by libraries~~
14 ~~or educational institutions.~~

15 2. ~~The term "compelling" includes:~~

- 16 (1) ~~The use of forcible compulsion;~~
- 17 (2) ~~The use of a drug or intoxicating substance to render a person~~
18 ~~incapable of controlling his conduct or appreciating its nature;~~
- 19 (3) ~~Withholding or threatening to withhold dangerous drugs or a~~
20 ~~narcotic from a drug dependent person.~~

21 3. (1) ~~The offense of promoting prostitution in the first degree under~~
22 ~~subdivision (1) or (3) of subsection 1 of this section is a class B felony.~~

23 (2) ~~The offense of promoting prostitution in the first degree under~~
24 ~~subdivision (3) of subsection 1 of this section is a class A felony if a person~~
25 ~~acts in reckless disregard of the fact that such conduct contributed to the~~
26 ~~offense of trafficking for the purposes of sexual exploitation under section~~
27 ~~566.209.~~

28 (3) ~~The offense of promoting prostitution in the first degree under~~
29 ~~subdivision (2) of subsection 1 of this section is a felony punishable by a term~~
30 ~~of imprisonment not less than ten years and not to exceed fifteen years.~~

31 4. ~~A person injured by the acts committed in violation of subdivision~~
~~(3) of subsection 1 of this section or subdivision (2) of subsection 3 of this~~

32 section shall have a civil cause of action to recover damages and reasonable
 33 attorneys' fees for such injury.

34 ~~5. In addition to the court's authority to order a defendant to make~~
 35 ~~restitution for the damage or loss caused by his or her offense as provided in~~
 36 ~~section 559.105, the court shall enter a judgment of restitution against the~~
 37 ~~defendant convicted of violating subdivision (3) of subsection 1 of this section~~
 38 ~~and subdivision (2) of subsection 3 of this section.]~~

2 ~~[567.060. 1. A person commits the offense of promoting prostitution~~
~~in the second degree if he or she knowingly:~~

3 ~~(1) Promotes prostitution by managing, supervising, controlling or~~
 4 ~~owning, either alone or in association with others, a house of prostitution or a~~
 5 ~~prostitution business or enterprise involving prostitution activity by two or~~
 6 ~~more prostitutes; or~~

7 ~~(2) Promotes prostitution of a person sixteen or seventeen years of age.~~

8 ~~2. The offense of promoting prostitution in the second degree is a class~~
 9 ~~D felony.]~~

2 ~~[567.070. 1. A person commits the offense of promoting prostitution~~
~~in the third degree if he or she knowingly:~~

3 ~~(1) Causes or aids a person to commit or engage in prostitution;~~

4 ~~(2) Procures or solicits patrons for prostitution;~~

5 ~~(3) Provides persons or premises for prostitution purposes;~~

6 ~~(4) Operates or assists in the operation of a house of prostitution or a~~
 7 ~~prostitution business or enterprise;~~

8 ~~(5) Accepts or receives or agrees to accept or receive something of~~
 9 ~~value pursuant to an agreement or understanding with any person whereby he~~
 10 ~~or she participates or is to participate in proceeds of prostitution activity; or~~

11 ~~(6) Engages in any conduct designed to institute, aid or facilitate an act~~
 12 ~~or enterprise of prostitution.~~

13 ~~2. The offense of promoting prostitution in the third degree is a class E~~
 14 ~~felony.]~~

2 ~~[567.085. 1. A person commits the offense of promoting travel for~~
~~prostitution if he or she knowingly sells or offers to sell travel services that~~
 3 ~~include or facilitate travel for the purpose of engaging in prostitution as~~
 4 ~~defined by section 567.020.~~

5 ~~2. The offense of promoting travel for prostitution is a class D felony.]~~

2 ~~[567.087. 1. No travel agency or charter tour operator shall:~~

3 ~~(1) Promote travel for prostitution as described in section 567.085;~~

4 ~~(2) Sell, advertise, or otherwise offer to sell travel services or facilitate~~
 5 ~~travel:~~

6 ~~(a) For the purpose of engaging in a commercial sex act as defined in~~
 7 ~~section 566.010;~~

8 ~~(b) That consists of tourism packages or activities using and offering~~
~~any sexual contact as defined in section 566.010 as enticement for tourism; or~~

9 ~~(e) That provides or purports to provide access to or that facilitates the~~
10 ~~availability of sex escorts or sexual services.~~

11 ~~2. There shall be a rebuttable presumption that any travel agency or~~
12 ~~charter tour operator using advertisements that include the term "sex tours" or~~
13 ~~"sex travel" or include depictions of human genitalia is in violation of this~~
14 ~~section.]~~

2 ~~[567.089. 1. No travel agency or charter tour operator shall engage in~~
3 ~~selling, advertising, or otherwise offering to sell travel services, tourism~~
4 ~~packages, or activities that solicit, encourage, or facilitate travel for the~~
5 ~~purpose of engaging in prostitution.~~

6 ~~2. Upon violation of this section by a travel agency or charter tour~~
7 ~~operator, the secretary of state shall revoke the articles of incorporation of the~~
8 ~~travel agency or charter tour operator. The secretary of state, as part of a~~
9 ~~proceeding brought under this section, may order a freeze of the bank or~~
10 ~~deposit accounts of the travel agency or charter tour operator.]~~

2 ~~[567.090. The general assembly by enacting this chapter intends to~~
3 ~~preempt any other regulation of the area covered by felony sections 567.050~~
4 ~~through 567.070, to promote statewide control of prostitution, and to~~
5 ~~standardize laws that governmental subdivisions may adopt in other areas~~
6 ~~covered by this chapter. No governmental subdivision may enact or enforce a~~
7 ~~law that makes any conduct in the area covered by sections 567.050 through~~
8 ~~567.070 subject to a criminal or civil penalty or sanction of any kind. Cities~~
9 ~~and towns may enact and enforce laws prohibiting and penalizing conduct~~
10 ~~subject to criminal or civil penalties or sanctions under other provisions of this~~
11 ~~chapter, but the provisions of such laws shall be the same and the authorized~~
12 ~~penalties or sanctions under such laws shall not be greater than those of this~~
13 ~~chapter. Cities and towns may also enact and enforce laws prohibiting and~~
14 ~~penalizing public solicitation of sexual conduct, whether or not the offer to~~
15 ~~engage in sexual conduct is in return for something of value, and health laws~~
~~to prevent the spread of venereal diseases.]~~

2 ~~[567.100. In addition to the responsibility of circuit attorneys and~~
3 ~~prosecuting attorneys in their respective jurisdictions to enforce the criminal~~
4 ~~provisions of this chapter, they shall have the duty to enforce the provisions of~~
5 ~~section 567.080; and the attorney general shall have a concurrent duty to~~
~~enforce the civil provisions of section 567.080.]~~

2 ~~[567.110. Any person who has been found guilty of a violation of~~
3 ~~section 567.020 or 567.030 and who is alleged and proved to be a persistent~~
~~prostitution offender is guilty of a class E felony.]~~

2 ~~[567.120. Any person arrested for a prostitution-related offense, who~~
3 ~~has been found guilty of a prior prostitution-related offense, may, within the~~
4 ~~sound discretion of the court, be required to undergo HIV testing as a~~
~~condition precedent to the issuance of bond for the offense.]~~