

SECOND REGULAR SESSION

SENATE BILL NO. 1145

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time March 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6676S.011

AN ACT

To repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, section 566.203 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.203 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, section 566.206 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.206 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and to enact in lieu thereof eleven new sections relating to juveniles involved in certain crimes, with existing penalty provisions.

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

Section A. Sections 566.210, 566.211, 566.212, and 566.213, RSMo, section
2 566.203 as enacted by senate bill no. 491, ninety-seventh general assembly,
3 second regular session, section 566.203 as enacted by house bill no. 214, ninety-
4 sixth general assembly, first regular session, section 566.206 as enacted by senate
5 bill no. 491, ninety-seventh general assembly, second regular session, and section
6 566.206 as enacted by house bill no. 214, ninety-sixth general assembly, first
7 regular session, are repealed and eleven new sections enacted in lieu thereof, to
8 be known as sections 566.203, 566.206, 566.210, 566.211, 566.212, 566.213,
9 566.270, 566.275, 566.280, 566.285, and 567.130, to read as follows:

566.203. 1. A person commits the offense of abusing an individual
2 through forced labor by knowingly providing or obtaining the labor or services of
3 a person:

4 (1) By causing or threatening to cause serious physical injury to any
5 person;

6 (2) By physically restraining or threatening to physically restrain another
7 person;

8 (3) By blackmail;

9 (4) By means of any scheme, plan, or pattern of behavior intended to
10 cause such person to believe that, if the person does not perform the labor
11 services, the person or another person will suffer serious physical injury, physical
12 restraint, or financial harm; or

13 (5) By means of the abuse or threatened abuse of the law or the legal
14 process.

15 2. A person who is found guilty of the crime of abuse through forced labor
16 shall not be required to register as a sexual offender pursuant to the provisions
17 of section 589.400, unless such person is otherwise required to register pursuant
18 to the provisions of such section.

19 3. The offense of abuse through forced labor is a felony punishable by
20 imprisonment for a term of years not less than five years and not more than
21 twenty years and a fine not to exceed two hundred fifty thousand dollars. If
22 death results from a violation of this section, or if the violation includes
23 kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B
24 felony, or an attempt to commit sexual abuse when punishable as a class B
25 felony, or an attempt to kill, it shall be punishable for a term of years not less
26 than five years or life and a fine not to exceed two hundred fifty thousand dollars.

27 **4. A victim of abuse through forced labor who was under the age**
28 **of eighteen at the time of the offense may be treated as a child in need**
29 **of care and treatment under section 211.031.**

566.203. 1. A person commits the crime of abusing an individual through
2 forced labor by knowingly providing or obtaining the labor or services of a person:

3 (1) By causing or threatening to cause serious physical injury to any
4 person;

5 (2) By physically restraining or threatening to physically restrain another
6 person;

7 (3) By blackmail;

8 (4) By means of any scheme, plan, or pattern of behavior intended to
9 cause such person to believe that, if the person does not perform the labor
10 services, the person or another person will suffer serious physical injury, physical
11 restraint, or financial harm; or

12 (5) By means of the abuse or threatened abuse of the law or the legal
13 process.

14 2. A person who pleads guilty to or is found guilty of the crime of abuse

15 through forced labor shall not be required to register as a sexual offender
16 pursuant to the provisions of section 589.400, unless such person is otherwise
17 required to register pursuant to the provisions of such section.

18 3. The crime of abuse through forced labor is a felony punishable by
19 imprisonment for a term of years not less than five years and not more than
20 twenty years and a fine not to exceed two hundred fifty thousand dollars. If
21 death results from a violation of this section, or if the violation includes
22 kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B
23 felony, or an attempt to commit sexual abuse when punishable as a class B
24 felony, or an attempt to kill, it shall be punishable for a term of years not less
25 than five years or life and a fine not to exceed two hundred fifty thousand
26 dollars.

27 **4. A victim of abuse through forced labor who was under the age**
28 **of eighteen at the time of the offense may be treated as a child in need**
29 **of care and treatment under section 211.031.**

566.206. 1. A person commits the offense of trafficking for the purposes
2 of slavery, involuntary servitude, peonage, or forced labor if he or she knowingly
3 recruits, entices, harbors, transports, provides, or obtains by any means,
4 including but not limited to through the use of force, abduction, coercion, fraud,
5 deception, blackmail, or causing or threatening to cause financial harm, another
6 person for labor or services, for the purposes of slavery, involuntary servitude,
7 peonage, or forced labor, or benefits, financially or by receiving anything of value,
8 from participation in such activities.

9 2. A person who is found guilty of the offense of trafficking for the
10 purposes of slavery, involuntary servitude, peonage, or forced labor shall not be
11 required to register as a sexual offender pursuant to the provisions of section
12 589.400, unless he or she is otherwise required to register pursuant to the
13 provisions of such section.

14 3. Except as provided in subsection 4 of this section, the offense of
15 trafficking for the purposes of slavery, involuntary servitude, peonage, or forced
16 labor is a felony punishable by imprisonment for a term of years not less than
17 five years and not more than twenty years and a fine not to exceed two hundred
18 fifty thousand dollars.

19 4. If death results from a violation of this section, or if the violation
20 includes kidnapping or an attempt to kidnap, sexual abuse when punishable as
21 a class B felony or an attempt to commit sexual abuse when the sexual abuse

22 attempted is punishable as a class B felony, or an attempt to kill, it shall be
23 punishable by imprisonment for a term of years not less than five years or life
24 and a fine not to exceed two hundred fifty thousand dollars.

25 **5. A victim of trafficking for the purposes of slavery, involuntary**
26 **servitude, peonage, or forced labor who was under the age of eighteen**
27 **at the time of the offense may be treated as a child in need of care and**
28 **treatment under section 211.031.**

566.206. 1. A person commits the crime of trafficking for the purposes of
2 slavery, involuntary servitude, peonage, or forced labor if a person knowingly
3 recruits, entices, harbors, transports, provides, or obtains by any means,
4 including but not limited to through the use of force, abduction, coercion, fraud,
5 deception, blackmail, or causing or threatening to cause financial harm, another
6 person for labor or services, for the purposes of slavery, involuntary servitude,
7 peonage, or forced labor, or benefits, financially or by receiving anything of value,
8 from participation in such activities.

9 2. A person who pleads guilty to or is found guilty of the crime of
10 trafficking for the purposes of slavery, involuntary servitude, peonage, or forced
11 labor shall not be required to register as a sexual offender pursuant to the
12 provisions of section 589.400, unless such person is otherwise required to register
13 pursuant to the provisions of such section.

14 3. Except as provided in subsection 4 of this section, trafficking for the
15 purposes of slavery, involuntary servitude, peonage, or forced labor is a felony
16 punishable by imprisonment for a term of years not less than five years and not
17 more than twenty years and a fine not to exceed two hundred fifty thousand
18 dollars.

19 4. If death results from a violation of this section, or if the violation
20 includes kidnapping or an attempt to kidnap, sexual abuse when punishable as
21 a class B felony or an attempt to commit sexual abuse when the sexual abuse
22 attempted is punishable as a class B felony, or an attempt to kill, it shall be
23 punishable by imprisonment for a term of years not less than five years or life
24 and a fine not to exceed two hundred fifty thousand dollars.

25 **5. A victim of trafficking for the purposes of slavery, involuntary**
26 **servitude, peonage, or forced labor who was under the age of eighteen**
27 **at the time of the offense may be treated as a child in need of care and**
28 **treatment under section 211.031.**

566.210. 1. A person commits the offense of sexual trafficking of a child

2 in the first degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of twelve to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from
9 participation in such activities; or

10 (2) Causes a person under the age of twelve to engage in a commercial sex
11 act, a sexual performance, or the production of explicit sexual material as defined
12 in section 573.010.

13 2. It shall not be a defense that the defendant believed that the person
14 was twelve years of age or older.

15 3. The offense of sexual trafficking of a child in the first degree is a felony
16 for which the authorized term of imprisonment is life imprisonment without
17 eligibility for probation or parole until the offender has served not less than
18 twenty-five years of such sentence. Subsection 4 of section 558.019 shall not
19 apply to the sentence of a person who has been found guilty of sexual trafficking
20 of a child less than twelve years of age, and "life imprisonment" shall mean
21 imprisonment for the duration of a person's natural life for the purposes of this
22 section.

23 **4. A victim of sexual trafficking of a child in the first degree may**
24 **be treated as a child in need of care and treatment under section**
25 **211.031.**

566.211. 1. A person commits the offense of sexual trafficking of a child
2 in the second degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of eighteen to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from
9 participation in such activities; or

10 (2) Causes a person under the age of eighteen to engage in a commercial
11 sex act, a sexual performance, or the production of explicit sexual material as
12 defined in section 573.010.

13 2. It shall not be a defense that the defendant believed that the person
14 was eighteen years of age or older.

15 3. The offense sexual trafficking of a child in the second degree is a felony
16 punishable by imprisonment for a term of years not less than ten years or life and
17 a fine not to exceed two hundred fifty thousand dollars if the child is under the
18 age of eighteen. If a violation of this section was effected by force, abduction, or
19 coercion, the crime of sexual trafficking of a child shall be a felony for which the
20 authorized term of imprisonment is life imprisonment without eligibility for
21 probation or parole until the defendant has served not less than twenty-five years
22 of such sentence.

23 **4. A victim of sexual trafficking of a child in the second degree**
24 **may be treated as a child in need of care and treatment under section**
25 **211.031.**

 566.212. 1. A person commits the crime of sexual trafficking of a child if
2 the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of eighteen to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from
9 participation in such activities; or

10 (2) Causes a person under the age of eighteen to engage in a commercial
11 sex act, a sexual performance, or the production of explicit sexual material as
12 defined in section 573.010.

13 2. It shall not be a defense that the defendant believed that the person
14 was eighteen years of age or older.

15 3. Sexual trafficking of a child is a felony punishable by imprisonment for
16 a term of years not less than ten years or life and a fine not to exceed two
17 hundred fifty thousand dollars if the child is under the age of eighteen. If a
18 violation of this section was effected by force, abduction, or coercion, the crime of
19 sexual trafficking of a child shall be a felony for which the authorized term of
20 imprisonment is life imprisonment without eligibility for probation or parole until
21 the defendant has served not less than twenty-five years of such sentence.

22 **4. A victim of sexual trafficking of a child may be treated as a**
23 **child in need of care and treatment under section 211.031.**

566.213. 1. A person commits the crime of sexual trafficking of a child
2 under the age of twelve if the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of twelve to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from
9 participation in such activities; or

10 (2) Causes a person under the age of twelve to engage in a commercial sex
11 act, a sexual performance, or the production of explicit sexual material as defined
12 in section 573.010.

13 2. It shall not be a defense that the defendant believed that the person
14 was twelve years of age or older.

15 3. Sexual trafficking of a child less than twelve years of age shall be a
16 felony for which the authorized term of imprisonment is life imprisonment
17 without eligibility for probation or parole until the defendant has served not less
18 than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not
19 apply to the sentence of a person who has pleaded guilty to or been found guilty
20 of sexual trafficking of a child less than twelve years of age, and "life
21 imprisonment" shall mean imprisonment for the duration of a person's natural
22 life for the purposes of this section.

23 4. **A victim of sexual trafficking of a child under the age of**
24 **twelve may be treated as a child in need of care and treatment under**
25 **section 211.031.**

566.270. As used in sections 566.270 to 566.285, the following
2 terms mean:

3 (1) "Department", the department of social services;

4 (2) "Sexually exploited child", any person under the age of
5 eighteen who has been subject to sexual exploitation because the
6 person either:

7 (a) Is a victim of sexual trafficking of a child in the first or
8 second degree, sexual trafficking of a child, or sexual trafficking of a
9 child under the age of twelve; or

10 (b) Is a victim of child sex trafficking under 18 U.S.C. 1591.

566.275. In addition to the mandatory reporting provisions

2 contained in section 210.115, any person who has reasonable cause to
3 suspect a person under the age of eighteen is a victim of trafficking
4 under section 566.203, 566.206, 566.210, 566.211, 566.212, or 566.213 shall
5 immediately make a report of suspected child abuse or neglect to the
6 Missouri children's division within the department of social services.
7 The division shall then immediately notify the law enforcement agency
8 in the jurisdiction where the suspected child abuse or neglect occurred,
9 and the department shall also commence an initial investigation into
10 the suspected abuse or neglect.

566.280. The department shall develop a statewide protocol to
2 coordinate the delivery of services to sexually exploited children and
3 shall work with the circuit courts to ensure that sexually exploited
4 children involved in court proceedings are aware of all state, federal,
5 and community-based resources for sexually exploited children.

566.285. 1. In addition to any other surcharges authorized by
2 statute, a surcharge of two thousand dollars shall be assessed as costs
3 in each circuit court proceeding filed within this state in all criminal
4 cases in which the defendant is found guilty of sexual trafficking of a
5 child in the first or second degree, sexual trafficking of a child, sexual
6 trafficking of a child under the age of twelve, a class A misdemeanor or
7 felony offense of patronizing prostitution, or promoting prostitution in
8 the first degree.

2. Notwithstanding any other provisions of law to the contrary,
10 the moneys collected by clerks of the courts in accordance with the
11 provisions of subsection 1 of this section shall be collected and
12 disbursed in accordance with sections 488.010 to 488.020, and shall be
13 payable to the state treasurer.

14 3. There is hereby created in the state treasury the "Exploited
15 Children's Special Fund", which shall consist of money collected under
16 subsection 1 of this section. The state treasurer shall be custodian of
17 the fund. In accordance with sections 30.170 and 30.180, the state
18 treasurer may approve disbursements. The fund shall be a dedicated
19 fund and, upon appropriation, money in the fund shall be used by the
20 department for the provision of services and treatment, such as
21 securing residential housing, health services, and social services, to
22 sexually exploited children. Subject to appropriation, a portion of the
23 monies in the fund, not to exceed fifty percent, may be used for the

24 development of training programs relative to human trafficking and
25 trafficking of children for sexual purposes and for the provision of law
26 enforcement training programs to be administered by the peace officer
27 standards and training commission.

28 4. Notwithstanding the provisions of section 33.080 to the
29 contrary, any moneys remaining in the fund at the end of the biennium
30 shall not revert to the credit of the general revenue fund.

31 5. The state treasurer shall invest moneys in the fund in the
32 same manner as other funds are invested. Any interest and moneys
33 earned on such investments shall be credited to the fund.

567.130. 1. A person who is a victim of sexual trafficking of a
2 child in the first or second degree, sexual trafficking of a child, or
3 sexual trafficking of a child under the age of twelve shall not be found
4 in violation of any provision of this chapter for any conduct committed
5 as a victim of sexual trafficking.

6 2. If a person who is a victim of sexual trafficking of a child in
7 the first or second degree, sexual trafficking of a child, or sexual
8 trafficking of a child under the age of twelve is prosecuted for any
9 offense of this chapter which arises out of the sex trafficking or
10 benefits the sex trafficker, the person may raise as an affirmative
11 defense that he or she committed the offense as a result of force, fraud,
12 or coercion by a sex trafficker.

13 3. Except as otherwise provided under subsection 1 of this
14 section and notwithstanding any provision of chapter 211 to the
15 contrary, no person under the age of eighteen shall be prosecuted for
16 an offense under this chapter in a court of general jurisdiction, but the
17 person may be treated as a child in need of care and treatment under
18 section 211.031 and such violation may be disposed of under the
19 jurisdiction of the juvenile court.

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