

HB 214 -- Human Trafficking

Sponsor: Zerr

This bill changes the laws regarding human trafficking. In its main provisions, the bill:

(1) Expands the crime of abusing an individual through forced labor to include by causing or threatening to cause serious physical injury to any person, by physically restraining or threatening to physically restrain another person, by blackmailing, or by causing or threatening to cause financial harm to any person (Section 566.203, RSMo);

(2) Expands the crime of trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor to include if a person knowingly entices by the use of force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm as well as benefits financially or by receiving anything of value for participating in these activities (Section 566.206);

(3) Expands the crime of trafficking for the purposes of sexual exploitation to include if a person knowingly entices or harbors by the use of force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to another person for the use or employment in sexual conduct, a sexual performance, or the production of explicit sexual material as well as benefits financially or by receiving anything of value for participating in these activities (Section 566.209);

(4) Expands the crimes of sexual trafficking of a child and sexual trafficking of a child younger than 12 years of age to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 18 years of age to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material (Sections 566.212 and 566.213);

(5) Specifies that a court must order a defendant convicted of trafficking or contributing to human trafficking to pay restitution to the victim regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum restitution must be \$100,000 plus an amount determined by the court necessary for the mental and physical rehabilitation of the victim and any child of the victim (Section 566.218);

(6) Specifies that it will be an affirmative defense for any victim of trafficking being prosecuted for a prostitution offense

under Chapter 567 that the person was a victim of trafficking during the time of the alleged offense and that the crime was committed at the direction of another person (Section 566.223.2);

(7) Authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking and to develop training programs and standard protocols to educate employees of appropriate agencies on state and federal laws regulating human trafficking. Upon a first encounter with a person who reasonably appears to be a victim of trafficking, a law enforcement agency or prosecuting or circuit attorney's office must notify the Department of Social Services and, where applicable, juvenile justice authorities in order for the agencies to determine whether the victim is eligible for state or federal assistance (Sections 566.223.3 and 566.223.4);

(8) Allows the Department of Social Services to coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking and allows state agencies to implement programs with nonprofit agencies and nongovernment organizations to provide services to confirmed victims of trafficking if funds are available (Section 566.223.5);

(9) Allows a victim of trafficking to bring a civil action within three years of the final criminal order, the victim's emancipation from the defendant, or the victim's eighteenth birthday against any person who pled guilty to or was found guilty of trafficking to recover the actual damage sustained, court costs, attorney fees, and punitive damages when determined appropriate by the court (Section 566.223.6); and

(10) Allows the Attorney General to file a civil action to recover from any person or entity that benefits from trafficking a civil penalty of up to \$50,000 for each violation and injunctive and other equitable relief as may be ordered by the court. Any money or property collected by a civil action must first be used to pay restitution to the victim (Section 566.223.7).