

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1562

98TH GENERAL ASSEMBLY

4162H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and to enact in lieu thereof five new sections relating to sexual trafficking of a child, with 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 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, are repealed and five new sections enacted in lieu thereof, to be known as sections 566.209, 566.210, 566.211, 566.212, and 566.213, to read as follows:

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides, **advertises the availability of** or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in **a commercial sex act**, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was

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.

12 effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual
13 exploitation is a felony punishable by imprisonment for a term of years not less than ten years
14 or life and a fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the offense of trafficking for the purposes of sexual
2 exploitation if he or she knowingly recruits, entices, harbors, transports, provides, **advertises the**
3 **availability of** or obtains by any means, including but not limited to through the use of force,
4 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial
5 harm, another person for the use or employment of such person in **a commercial sex act**, sexual
6 conduct, a sexual performance, or the production of explicit sexual material as defined in section
7 573.010, without his or her consent, or benefits, financially or by receiving anything of value,
8 from participation in such activities.

9 2. The offense of trafficking for the purposes of sexual exploitation is a felony
10 punishable by imprisonment for a term of years not less than five years and not more than twenty
11 years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section
12 was effected by force, abduction, or coercion, the offense of trafficking for the purposes of sexual
13 exploitation is a felony punishable by imprisonment for a term of years not less than ten years
14 or life and a fine not to exceed two hundred fifty thousand dollars.

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

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

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

11 (3) **Advertises the availability of a person under the age of twelve to participate in**
12 **a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

16 3. The offense of sexual trafficking of a child in the first degree is a felony for which the
17 authorized term of imprisonment is life imprisonment without eligibility for probation or parole
18 until the offender has served not less than twenty-five years of such sentence. Subsection 4 of
19 section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual

20 trafficking 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 section.

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

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

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

11 **(3) Advertises the availability of a person under the age of eighteen to participate**
12 **in a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

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

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

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

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

11 **(3) Advertises the availability of a person under the age of eighteen to participate**
12 **in a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

16 3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of
17 years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars
18 if the child is under the age of eighteen. If a violation of this section was effected by force,
19 abduction, or 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 probation or parole
21 until the defendant has served not less than twenty-five years of such sentence.

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

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

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

11 **(3) Advertises the availability of a person under the age of twelve to participate in**
12 **a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

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

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