

HCS HB 1562 -- SEXUAL TRAFFICKING

This bill specifies that any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566, RSMo, created by or in the possession of a Child Assessment Center, health care provider, or multidisciplinary investigation team member cannot be disclosed unless required by Supreme Court Rule 25.03 or a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim.

A person who is a party or has a legitimate interest in a court proceeding involving a victim of an offense under Chapter 566 who was a minor at the time such offense occurred may view any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566 created by or in the possession of a Child Assessment Center or hospital, but no such person is permitted to obtain copies of the information without a court order or as required by Supreme Court Rule 25.03.

The bill specifies the persons or entities, including members of the multidisciplinary investigation team, authorized to share the visual or aural recordings of the child's statements or photographs.

The bill specifies what must be contained in a court order when the court orders the copying of such visual or aural recordings or photographs.

A defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney cannot disclose to a third party any visual or aural recordings or photographs of a minor or his or her body who is alleged to be the victim of an offense under Chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member unless a court orders the disclosure upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section but must not allow such person to have copies of the information provided.

The bill specifies that any visual or aural recordings that could be used to identify or locate any victim of an offense under Chapter 566 or a victim of domestic assault or stalking must be

closed and redacted from the record prior to disclosure to the public, including an unobstructed visual image of the victim's face or body.

Beginning in 2017, as a result of SB 491 (2014), aggravated stalking will be known as stalking in the first degree. This bill also adds the act of knowingly accessing, or attempting to access, the address of a participant of the address confidentiality program to the elements of first degree stalking.

This bill adds the act of knowingly accessing, or attempting to access, the address of a participant of the address confidentiality program administered by the Secretary of State to the elements of aggravated stalking.

This bill adds knowingly advertising a specified minor to participate in a commercial sex act, performance, or the production of explicit sexual material to the offenses of: sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, sexual trafficking of a child, and sexual trafficking of a child under the age of 12.

The bill adds the advertising element to the offense of trafficking for the purpose of sexual exploitation.

Currently, the Secretary of State administers a program to protect victims of domestic violence, rape, sexual assault, or stalking by assigning substitute addresses to such victims. State and local government agencies must accept the substitute address when creating public records relating to a participant in the program.

This bill allows victims of human trafficking to participate in the program.

Any court records identifying any person who was a victim of a crime under Chapter 566 and a minor at the time the offense was committed must be closed for inspection, and the contents must not be disclosed except by order of the court to persons having a legitimate interest therein.