

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2032

101ST GENERAL ASSEMBLY

4200H.03P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 211.031, 567.020, 573.010, and 589.414, RSMo, and to enact in lieu thereof eight new sections relating to child trafficking, with penalty provisions.

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

Section A. Sections 211.031, 567.020, 573.010, and 589.414, RSMo, are repealed and  
2 eight new sections enacted in lieu thereof, to be known as sections 210.1500, 210.1505,  
3 211.031, 567.020, 573.010, 573.024, 573.206, and 589.414, to read as follows:

210.1500. 1. When a child is located by a police officer or law enforcement  
2 official and there is reasonable cause to suspect the child may be a victim of sex  
3 trafficking or severe forms of trafficking as those terms are defined under 22 U.S.C.  
4 Section 7102, the police officer or law enforcement official shall immediately cause a  
5 report to be made to the children's division in accordance with section 210.115. Upon  
6 receipt of a report by the children's division and if the children's division determines  
7 that the report merits an investigation, the reporting official and the children's division  
8 shall ensure the immediate safety of the child and shall coinvestigate the complaint to its  
9 conclusion.

10 2. If the police officer or law enforcement official has reasonable cause to believe  
11 that the child is in imminent danger of suffering serious physical harm or a threat to life  
12 as a result of abuse or neglect due to sex trafficking or sexual exploitation and such  
13 officer or official has reasonable cause to believe the harm or threat to life may occur  
14 before a juvenile court is able to issue a temporary protective custody order or before a  
15 juvenile officer is able to take the child into protective custody, the police officer or law  
16 enforcement official may take or retain temporary protective custody of the child

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.

17 without the consent of the child's parent or parents, guardian, or any other person  
18 legally responsible for the child's care, as provided under section 210.125.

19       3. If the child is already under the jurisdiction of the court under paragraph (a)  
20 of subdivision (1) of subsection 1 of section 211.031 and in the legal custody of the  
21 children's division, the police officer or law enforcement official, along with the  
22 children's division, shall secure placement for the child in the least restrictive setting in  
23 order to ensure the safety of the child from further sex trafficking or severe forms of  
24 trafficking.

25       4. The children's division and the reporting officer or official shall ensure a  
26 referral is made to the child advocacy center for a forensic interview and an evaluation,  
27 as necessary to ensure the medical safety of the child, by a SAFE CARE provider as  
28 defined under section 334.950. The child shall be assessed utilizing a validated screening  
29 tool specific to sex trafficking to ensure the appropriate resources are secured for the  
30 treatment of the child.

31       5. For purposes of this section, multidisciplinary teams shall be used when  
32 conducting an investigation. Multidisciplinary teams shall be used in providing  
33 protective or preventive social services, including the services of law enforcement upon  
34 the request by the department of social services, a liaison of the local public school, the  
35 juvenile officer, the juvenile court, and other agencies, both public and private, to secure  
36 appropriate services to meet the needs of the child.

      210.1505. 1. There is hereby created the "Statewide Council on Sex Trafficking  
2 and Sexual Exploitation of Children" to consist of the following members:

3       (1) The following four members of the general assembly:

4       (a) Two members of the senate, with one member to be appointed by the  
5 president pro tempore of the senate and one member to be appointed by the minority  
6 floor leader of the senate; and

7       (b) Two members of the house of representatives, with one member to be  
8 appointed by the speaker of the house of representatives and one member to be  
9 appointed by the minority floor leader of the house of representatives;

10       (2) The director of the children's division or his or her designee;

11       (3) The director of the department of public safety or his or her designee;

12       (4) The director of the department of mental health or his or her designee;

13       (5) The director of the office of prosecution services or his or her designee;

14       (6) The superintendent of the Missouri state highway patrol or his or her  
15 designee;

16           (7) The executive director of the statewide network of child advocacy  
17 organizations specializing in the prevention of child abuse or neglect or his or her  
18 designee;

19           (8) The executive director of the statewide coalition against domestic and sexual  
20 violence or his or her designee;

21           (9) The executive director of the Missouri Juvenile Justice Association or his or  
22 her designee;

23           (10) The director of the attorney general's human trafficking task force or his or  
24 her designee;

25           (11) Two representatives from agencies providing services to victims of child sex  
26 trafficking and sexual exploitation who reflect the geographic diversity of the state and  
27 who shall be appointed by the director of the department of social services; and

28           (12) A member of the judiciary, who shall be appointed by the supreme court.

29           2. A majority of the members of the council shall constitute a quorum. The  
30 council shall hold its first meeting within thirty days after the council's creation and  
31 organize by selecting a chair and a vice chair. The council shall meet at the call of the  
32 chair.

33           3. The council shall:

34           (1) Collect and analyze data relating to sex trafficking and sexual exploitation of  
35 children, including the number of reports made to the children's division under section  
36 210.115, any information obtained from phone calls to the national sex trafficking  
37 hotline, the number of reports made to law enforcement, arrests, prosecution rates, and  
38 any other data important for any recommendations of the council. State departments  
39 and council members shall provide relevant data as requested by the council to fulfill  
40 the council's duties; and

41           (2) Collect feedback from stakeholders, practitioners, and leadership throughout  
42 the state in order to develop best practices and procedures regarding the response to sex  
43 trafficking and sexual exploitation of children, including identification and assessment  
44 of victims; response and treatment coordination and collaboration across systems;  
45 trauma-informed, culturally competent victim-centered services; training for  
46 professionals in all systems; and investigating and prosecuting perpetrators.

47           4. The department of social services shall provide administrative support to the  
48 council.

49           5. On or before December 31, 2023, the council shall submit a report of the  
50 council's activities to the governor and general assembly and the joint committee on  
51 child abuse and neglect under section 21.771. The report shall include  
52 recommendations for priority needs and actions, including statutory or regulatory

53 **changes relating to the response to sex trafficking and sexual exploitation of children**  
54 **and services for child victims.**

55 **6. The council shall expire on December 31, 2023.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the  
2 family court in circuits that have a family court as provided in [~~sections 487.010 to 487.190~~]  
3 **chapter 487** shall have exclusive original jurisdiction in proceedings:

4 (1) Involving any child who may be a resident of or found within the county and who  
5 is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the  
7 child, neglect or refuse to provide proper support, education which is required by law,  
8 medical, surgical or other care necessary for his or her well-being; except that reliance by a  
9 parent, guardian or custodian upon remedial treatment other than medical or surgical  
10 treatment for a child shall not be construed as neglect when the treatment is recognized or  
11 permitted pursuant to the laws of this state;

12 (b) The child is otherwise without proper care, custody or support;

13 (c) The child was living in a room, building or other structure at the time such  
14 dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to  
15 section 195.130; or

16 (d) The child is in need of mental health services and the parent, guardian or  
17 custodian is unable to afford or access appropriate mental health treatment or care for the  
18 child;

19 (2) Involving any child who may be a resident of or found within the county and who  
20 is alleged to be in need of care and treatment because:

21 (a) The child while subject to compulsory school attendance is repeatedly and without  
22 justification absent from school;

23 (b) The child disobeys the reasonable and lawful directions of his or her parents or  
24 other custodian and is beyond their control;

25 (c) The child is habitually absent from his or her home without sufficient cause,  
26 permission, or justification;

27 (d) The behavior or associations of the child are otherwise injurious to his or her  
28 welfare or to the welfare of others; or

29 (e) The child is charged with an offense not classified as criminal, or with an offense  
30 applicable only to children; except that, the juvenile court shall not have jurisdiction over any  
31 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance  
32 or regulation, the violation of which does not constitute a felony, or any child who is alleged  
33 to have violated a state or municipal ordinance or regulation prohibiting possession or use of  
34 any tobacco product;

35 (3) Involving any child who is alleged to have violated a state law or municipal  
36 ordinance, or any person who is alleged to have violated a state law or municipal ordinance  
37 prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the  
38 court of the circuit in which the child or person resides or may be found or in which the  
39 violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction  
40 over any child fifteen years of age who is alleged to have violated a state or municipal traffic  
41 ordinance or regulation, the violation of which does not constitute a felony, and except that  
42 the juvenile court shall have concurrent jurisdiction with the municipal court over any child  
43 who is alleged to have violated a municipal curfew ordinance, and except that the juvenile  
44 court shall have concurrent jurisdiction with the circuit court on any child who is alleged to  
45 have violated a state or municipal ordinance or regulation prohibiting possession or use of any  
46 tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child to the guardianship of the department of social  
49 services as provided by law; ~~and~~

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is  
51 less than eighteen years of age; **and**

52 **(7) Involving a child who has been a victim of sex trafficking or sexual**  
53 **exploitation.**

54 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides  
55 in a county of this state shall be made as follows:

56 (1) Prior to the filing of a petition and upon request of any party or at the discretion of  
57 the juvenile officer, the matter in the interest of a child may be transferred by the juvenile  
58 officer, with the prior consent of the juvenile officer of the receiving court, to the county of  
59 the child's residence or the residence of the person eighteen years of age for future action;

60 (2) Upon the motion of any party or on its own motion prior to final disposition on the  
61 pending matter, the court in which a proceeding is commenced may transfer the proceeding of  
62 a child to the court located in the county of the child's residence, or the county in which the  
63 offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred  
64 for further action;

65 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has  
66 been taken pursuant to subsection 1 of this section may at any time thereafter transfer  
67 jurisdiction of a child to the court located in the county of the child's residence for further  
68 action with the prior consent of the receiving court;

69 (4) Upon motion of any party or upon its own motion at any time following a  
70 judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction

71 of the cause may place the child under the supervision of another juvenile court within or  
72 without the state pursuant to section 210.570 with the consent of the receiving court;

73 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall  
74 grant one change of judge pursuant to Missouri supreme court rules;

75 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,  
76 certified copies of all legal and social documents and records pertaining to the case on file  
77 with the clerk of the transferring juvenile court shall accompany the transfer.

78 3. In any proceeding involving any child taken into custody in a county other than the  
79 county of the child's residence, the juvenile court of the county of the child's residence shall  
80 be notified of such taking into custody within seventy-two hours.

81 4. When an investigation by a juvenile officer pursuant to this section reveals that the  
82 only basis for action involves an alleged violation of section 167.031 involving a child who  
83 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child  
84 to verify that the child is being home schooled and not in violation of section 167.031 before  
85 making a report of such a violation. Any report of a violation of section 167.031 made by a  
86 juvenile officer regarding a child who is being home schooled shall be made to the  
87 prosecuting attorney of the county where the child legally resides.

88 5. The disability or disease of a parent shall not constitute a basis for a determination  
89 that a child is a child in need of care or for the removal of custody of a child from the parent  
90 without a specific showing that there is a causal relation between the disability or disease and  
91 harm to the child.

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

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

7 3. As used in this section, "HIV" means the human immunodeficiency virus that  
8 causes acquired immunodeficiency syndrome.

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

16 successful completion of a drug or alcohol treatment program in determining the defendant's  
17 sentence.

18 5. ~~[In addition to the affirmative defense provided in subsection 2 of section 566.223,~~  
19 ~~it shall be an affirmative defense to prosecution pursuant to this section that the defendant]~~ **A**  
20 **person shall not be certified as an adult or adjudicated as a delinquent for the offense of**  
21 **prostitution under this section if the person** was under the age of eighteen ~~[and was acting~~  
22 ~~under the coercion, as defined in section 566.200, of an agent]~~ at the time ~~[of]~~ the offense  
23 ~~[charged]~~ **occurred**. In such cases where the ~~[defendant]~~ **person** was under the age of  
24 eighteen, the ~~[defendant]~~ **person** shall be classified as a victim of abuse, as defined under  
25 section 210.110, and such abuse shall be reported **immediately to the children's division**, as  
26 required under section 210.115 **and to the juvenile officer for appropriate services,**  
27 **treatment, investigation, and other proceedings as provided under chapters 207, 210,**  
28 **and 211. Upon request, the local law enforcement agency and the prosecuting attorney**  
29 **shall assist the children's division and the juvenile officer in conducting the**  
30 **investigation.**

573.010. As used in this chapter the following terms shall mean:

2 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other  
3 commercial establishment, regardless of whether alcoholic beverages are served, which  
4 regularly features persons who appear semi-nude;

5 (2) "Characterized by", describing the essential character or dominant theme of an  
6 item;

7 (3) "Child", any person under the age of fourteen;

8 (4) "Child pornography":

9 (a) Any obscene material or performance depicting sexual conduct, sexual contact as  
10 defined in section 566.010, or a sexual performance and which has as one of its participants or  
11 portrays as an observer of such conduct, contact, or performance a minor; or

12 (b) Any visual depiction, including any photograph, film, video, picture, or computer  
13 or computer-generated image or picture, whether made or produced by electronic,  
14 mechanical, or other means, of sexually explicit conduct where:

15 a. The production of such visual depiction involves the use of a minor engaging in  
16 sexually explicit conduct;

17 b. Such visual depiction is a digital image, computer image, or computer-generated  
18 image that is, or is indistinguishable from, that of a minor engaging in sexually explicit  
19 conduct, in that the depiction is such that an ordinary person viewing the depiction would  
20 conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

21 c. Such visual depiction has been created, adapted, or modified to show that an  
22 identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a

23 person who was a minor at the time the visual depiction was created, adapted, or modified; or  
24 whose image as a minor was used in creating, adapting, or modifying the visual depiction;  
25 and who is recognizable as an actual person by the person's face, likeness, or other  
26 distinguishing characteristic, such as a unique birthmark or other recognizable feature. The  
27 term "identifiable minor" shall not be construed to require proof of the actual identity of the  
28 identifiable minor;

29 (5) "Employ", "employee", or "employment", any person who performs any service  
30 on the premises of a sexually oriented business, on a full-time, part-time, or contract basis,  
31 whether or not the person is denominated an employee, independent contractor, agent, or  
32 otherwise. Employee does not include a person exclusively on the premises for repair or  
33 maintenance of the premises or for the delivery of goods to the premises;

34 (6) "Explicit sexual material", any pictorial or three-dimensional material depicting  
35 human masturbation, deviate sexual intercourse, sexual intercourse, direct physical  
36 stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of  
37 postpubertal human genitals; provided, however, that works of art or of anthropological  
38 significance shall not be deemed to be within the foregoing definition;

39 (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,  
40 disseminate, present, exhibit or otherwise provide;

41 (8) "Material", anything printed or written, or any picture, drawing, photograph,  
42 motion picture film, videotape or videotape production, or pictorial representation, or any  
43 recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored  
44 computer data, or anything which is or may be used as a means of communication. Material  
45 includes undeveloped photographs, molds, printing plates, stored computer data and other  
46 latent representational objects;

47 (9) "Minor", any person less than eighteen years of age;

48 (10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area,  
49 vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part  
50 of the nipple or areola;

51 (11) "Obscene", any material or performance if, taken as a whole:

52 (a) Applying contemporary community standards, its predominant appeal is to  
53 prurient interest in sex; and

54 (b) The average person, applying contemporary community standards, would find the  
55 material depicts or describes sexual conduct in a patently offensive way; and

56 (c) A reasonable person would find the material lacks serious literary, artistic,  
57 political or scientific value;

58 (12) "Operator", any person on the premises of a sexually oriented business who  
59 causes the business to function, puts or keeps the business in operation, or is authorized to

60 manage the business or exercise overall operational control of the business premises. A  
61 person may be found to be operating or causing to be operated a sexually oriented business  
62 whether or not such person is an owner, part owner, or licensee of the business;

63 (13) "Performance", any play, motion picture film, videotape, dance or exhibition  
64 performed before an audience of one or more;

65 (14) "Pornographic for minors", any material or performance if the following apply:

66 (a) The average person, applying contemporary community standards, would find  
67 that the material or performance, taken as a whole, has a tendency to cater or appeal to a  
68 prurient interest of minors; and

69 (b) The material or performance depicts or describes nudity, sexual conduct, the  
70 condition of human genitals when in a state of sexual stimulation or arousal, or  
71 sadomasochistic abuse in a way which is patently offensive to the average person applying  
72 contemporary adult community standards with respect to what is suitable for minors; and

73 (c) The material or performance, taken as a whole, lacks serious literary, artistic,  
74 political, or scientific value for minors;

75 (15) "Premises", the real property upon which a sexually oriented business is located,  
76 and all appurtenances thereto and buildings thereon, including but not limited to the sexually  
77 oriented business, the grounds, private walkways, and parking lots or parking garages or both;

78 (16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute,  
79 publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to  
80 do the same, by any means including a computer;

81 (17) "Regularly", the consistent and repeated doing of the act so described;

82 (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of  
83 sexual stimulation or gratification;

84 (19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a  
85 horizontal line across the top of the areola and extending across the width of the breast at such  
86 point, or the showing of the male or female buttocks. Such definition includes the lower  
87 portion of the human female breast, but shall not include any portion of the cleavage of the  
88 female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel  
89 provided the areola is not exposed in whole or in part;

90 (20) "Sexual conduct", actual or simulated, normal or perverted acts of human  
91 masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a  
92 person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act  
93 of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including  
94 animals or any latent objects in an act of apparent sexual stimulation or gratification;

95 (21) "Sexually explicit conduct", actual or simulated:

- 96 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-  
97 anal, whether between persons of the same or opposite sex;
- 98 (b) Bestiality;
- 99 (c) Masturbation;
- 100 (d) Sadistic or masochistic abuse; or
- 101 (e) Lascivious exhibition of the genitals or pubic area of any person;
- 102 (22) "Sexually oriented business" includes:
- 103 (a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store"  
104 means a commercial establishment which, as one of its principal business activities, offers for  
105 sale or rental for any form of consideration any one or more of the following: books,  
106 magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video  
107 cassettes, compact discs, digital video discs, slides, or other visual representations which are  
108 characterized by their emphasis upon the display of specified sexual activities or specified  
109 anatomical areas. A principal business activity exists where the commercial establishment:
- 110 a. Has a substantial portion of its displayed merchandise which consists of such  
111 items; or
- 112 b. Has a substantial portion of the wholesale value of its displayed merchandise  
113 which consists of such items; or
- 114 c. Has a substantial portion of the retail value of its displayed merchandise which  
115 consists of such items; or
- 116 d. Derives a substantial portion of its revenues from the sale or rental, for any form of  
117 consideration, of such items; or
- 118 e. Maintains a substantial section of its interior business space for the sale or rental of  
119 such items; or
- 120 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is  
121 permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or  
122 mechanically controlled still or motion picture machines, projectors, or other image-  
123 producing devices are regularly maintained to show images to five or fewer persons per  
124 machine at any one time, and where the images so displayed are characterized by their  
125 emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;
- 126 (b) An adult cabaret;
- 127 (c) An adult motion picture theater. "Adult motion picture theater" means a  
128 commercial establishment where films, motion pictures, video cassettes, slides, or similar  
129 photographic reproductions, which are characterized by their emphasis upon the display of  
130 specified sexual activities or specified anatomical areas are regularly shown to more than five  
131 persons for any form of consideration;

132 (d) A semi-nude model studio. "Semi-nude model studio" means a place where  
133 persons regularly appear in a state of semi-nudity for money or any form of consideration in  
134 order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly  
135 depicted by other persons. Such definition shall not apply to any place where persons  
136 appearing in a state of semi-nudity do so in a modeling class operated:

137 a. By a college, junior college, or university supported entirely or partly by taxation;

138 b. By a private college or university which maintains and operates educational  
139 programs in which credits are transferable to a college, junior college, or university supported  
140 entirely or partly by taxation; or

141 c. In a structure:

142 (i) Which has no sign visible from the exterior of the structure and no other  
143 advertising that indicates a semi-nude person is available for viewing; and

144 (ii) Where, in order to participate in a class, a student must enroll at least three days in  
145 advance of the class;

146 (e) A sexual encounter center. "Sexual encounter center" means a business or  
147 commercial enterprise that, as one of its principal purposes, purports to offer for any form of  
148 consideration physical contact in the form of wrestling or tumbling between two or more  
149 persons when one or more of the persons is semi-nude;

150 (23) "Sexual performance", any performance, or part thereof, which includes sexual  
151 conduct by a child who is less than ~~seventeen~~ **eighteen** years of age;

152 (24) "Specified anatomical areas" include:

153 (a) Less than completely and opaquely covered: human genitals, pubic region,  
154 buttock, and female breast below a point immediately above the top of the areola; and

155 (b) Human male genitals in a discernibly turgid state, even if completely and  
156 opaquely covered;

157 (25) "Specified sexual activity", includes any of the following:

158 (a) Intercourse, oral copulation, masturbation, or sodomy; or

159 (b) Excretory functions as a part of or in connection with any of the activities  
160 described in paragraph (a) of this subdivision;

161 (26) "Substantial", at least thirty percent of the item or items so modified;

162 (27) "Visual depiction", includes undeveloped film and videotape, and data stored on  
163 computer disk or by electronic means which is capable of conversion into a visual image.

**573.024. 1. A person commits the offense of enabling sexual exploitation of a  
2 minor if such person acting with criminal negligence permits or allows any violation of  
3 section 566.210, 566.211, 573.020, 573.023, 573.025, 573.030, 573.035, 573.200, or  
4 573.205.**

5           **2. The offense of enabling sexual exploitation of a minor is a class E felony for**  
6 **the first offense and a class C felony for a second or subsequent offense.**

7           **3. If the person guilty of the offense of enabling sexual exploitation of a minor is**  
8 **an owner of a business or the owner's agent and the business provided the location or**  
9 **locations for such exploitation, the business location or locations shall be required to**  
10 **close for up to one year for the first offense, and the length of time shall be determined**  
11 **by the court. For a second offense, such business location or locations shall permanently**  
12 **close. As used in this section, "business" shall include, but is not limited to, a hotel or**  
13 **massage parlor.**

**573.206. 1. A person commits the offense of patronizing a sexual performance**  
2 **by a child if such person obtains, solicits, or participates in a sexual performance by a**  
3 **child under eighteen years of age.**

4           **2. The offense of patronizing a sexual performance by a child is a class C felony.**

          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**  
60 **duty** 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;
- 95 (j) **Patronizing a sexual performance by a child under section 573.206;**
- 96 (k) 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)]~~ **(l)** Child molestation in the fourth degree under section 566.071 if the victim is  
99 thirteen to seventeen years of age;

100           ~~[(l)]~~ **(m)** Sexual misconduct involving a child under section 566.083 if it is a first  
101 offense and the penalty is a term of imprisonment of more than a year; or

102           ~~[(m)]~~ **(n)** 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]~~ **566.125** or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;

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 section 567.050 if the victim is  
147 under eighteen years of age;
- 148 (t) Promoting prostitution in the second degree under section 567.060 if the victim is  
149 under eighteen years of age;
- 150 (u) Promoting prostitution in the third degree under section 567.070 if the victim is  
151 under eighteen years of age;
- 152 (v) Promoting travel for prostitution under section 567.085 if the victim is under  
153 eighteen years of age;
- 154 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the  
155 victim is under eighteen years of age;
- 156 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 157 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 158 (z) Genital mutilation of a female child under section 568.065;
- 159 (aa) Statutory rape in the second degree under section 566.034;
- 160 (bb) Child molestation in the fourth degree under section 566.071 if the victim is  
161 under thirteen years of age;
- 162 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term  
163 of imprisonment of more than a year;
- 164 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent  
165 offender;
- 166 **(ee) Patronizing prostitution under section 567.030 if the victim is under**  
167 **eighteen years of age;**
- 168 [~~ee~~] **(ff) Abuse of a child under section 568.060 if the offense is of a sexual nature**  
169 **and the victim is under thirteen years of age;**

170 ~~[(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~  
171 ~~under thirteen years of age;]~~

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

174 (hh) Sexual contact with a student under section 566.086 if the victim is under  
175 thirteen years of age;

176 (ii) Use of a child in a sexual performance under section 573.200; or

177 (jj) Promoting a sexual performance by a child under section 573.205;

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

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

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

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

200 9. If a person who is required to register as a sexual offender under sections 589.400  
201 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person  
202 shall report such information in the same manner as a change of residence before using such  
203 online identifier.

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