

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 152

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HAAHR.

0176H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, and to enact in lieu thereof four new sections relating to sexual trafficking of a child, with penalty provisions.

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*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Section A. Sections 566.210, 566.211, 566.212, and 566.213, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 566.210, 566.211, 566.212,  
3 and 566.213, to read as follows:

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, **or advertises** by any  
4 means, including but not limited to through the use of force, abduction, coercion, fraud,  
5 deception, blackmail, or causing or threatening to cause financial harm, a person under the age  
6 of twelve to participate in a commercial sex act, a sexual performance, or the production of  
7 explicit sexual material as defined in section 573.010, or benefits, financially or by receiving  
8 anything of value, from 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.

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

13 3. The offense of sexual trafficking of a child in the first degree is a felony for which the  
14 authorized term of imprisonment is life imprisonment without eligibility for probation or parole

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.

15 until the offender has served not less than twenty-five years of such sentence. Subsection 4 of  
16 section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual  
17 trafficking of a child less than twelve years of age, and "life imprisonment" shall mean  
18 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, **or advertises** by any  
4 means, including but not limited to through the use of force, abduction, coercion, fraud,  
5 deception, blackmail, or causing or threatening to cause financial harm, a person under the age  
6 of eighteen to participate in a commercial sex act, a sexual performance, or the production of  
7 explicit sexual material as defined in section 573.010, or benefits, financially or by receiving  
8 anything of value, from 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.

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

13 3. The offense sexual trafficking of a child in the second degree is a felony punishable  
14 by imprisonment for a term of years not less than ten years or life and a fine not to exceed two  
15 hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this  
16 section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child  
17 shall be a felony for which the authorized term of imprisonment is life imprisonment without  
18 eligibility for probation or parole until the defendant has served not less than twenty-five years  
19 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, **or advertises** by any  
4 means, including but not limited to through the use of force, abduction, coercion, fraud,  
5 deception, blackmail, or causing or threatening to cause financial harm, a person under the age  
6 of eighteen to participate in a commercial sex act, a sexual performance, or the production of  
7 explicit sexual material as defined in section 573.010, or benefits, financially or by receiving  
8 anything of value, from 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.

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

13           3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of  
14 years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars  
15 if the child is under the age of eighteen. If a violation of this section was effected by force,  
16 abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the  
17 authorized term of imprisonment is life imprisonment without eligibility for probation or parole  
18 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, **or advertises** by any  
4 means, including but not limited to through the use of force, abduction, coercion, fraud,  
5 deception, blackmail, or causing or threatening to cause financial harm, a person under the age  
6 of twelve to participate in a commercial sex act, a sexual performance, or the production of  
7 explicit sexual material as defined in section 573.010, or benefits, financially or by receiving  
8 anything of value, from 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.

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

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

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