

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 152
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 16, 2015, with recommendation that the Senate Committee Substitute do pass.

0176S.02C

ADRIANE D. CROUSE, Secretary.

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.

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
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 566.210, 566.211, 566.212, and 566.213, to read as follows:

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

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

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

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

16 2. It shall not be a defense that the defendant believed that the person

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 was twelve years of age or older.

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

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

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

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

13 **(3) Advertises the availability of a person under the age of**
14 **eighteen to participate in a commercial sex act, a sexual performance,**
15 **or the production of explicit sexual material as defined in section**
16 **573.010.**

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

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

 566.212. 1. A person commits the crime of sexual trafficking of a child if

2 the individual knowingly:

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

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

13 **(3) Advertises the availability of a person under the age of**
14 **eighteen to participate in a commercial sex act, a sexual performance,**
15 **or the production of explicit sexual material as defined in section**
16 **573.010.**

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

19 3. Sexual trafficking of a child is a felony punishable by imprisonment for
20 a term of years not less than ten years or life and a fine not to exceed two
21 hundred fifty thousand dollars if the child is under the age of eighteen. If a
22 violation of this section was effected by force, abduction, or coercion, the crime of
23 sexual trafficking of a child shall be a felony for which the authorized term of
24 imprisonment is life imprisonment without eligibility for probation or parole until
25 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
2 under the age of twelve if the individual knowingly:

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

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

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

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

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

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