

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 397, Page 2, Section 578.421, Lines 1-29,
2 by deleting said section and lines from the bill; and

3
4 Further amend said bill, Page 3, Section 610.131, Line 19, by inserting immediately after said line
5 the following:

6 "Section 1. 1. For the purposes of this section, "pattern of criminal sex trafficking activity"
7 shall mean the commission, attempted commission, or solicitation of two or more of the following
8 offenses on separate occasions:

- 9 (1) Promoting online sexual solicitation, as provided in section 566.103;
10 (2) Sexual trafficking of a child in the first degree, as provided in section 566.210;
11 (3) Sexual trafficking of a child in the second degree, as provided in section 566.211;
12 (4) Patronizing prostitution, as provided in subsection 4 of section 567.030;
13 (5) Promoting prostitution in the first degree, as provided in section 567.050;
14 (6) Promoting prostitution in the second degree, as provided in section 567.060;
15 (7) Abuse or neglect of a child, as provided in subsection 6 of section 568.060;
16 (8) Sexual exploitation of a minor, as provided in section 573.023;
17 (9) Child used in sexual performance, as provided in section 573.200; or
18 (10) Promoting sexual performance by a child, as provided in section 573.205.

19 2. Any person who actively participates in any pattern of criminal sex trafficking activity
20 and who willfully promotes, furthers, or assists in any felonious criminal conduct of another shall be
21 punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment
22 in a state correctional facility for one, two, or three years.

23 3. Any person who is convicted of a felony or a misdemeanor which is committed in
24 association with a pattern of criminal sex trafficking activity with the specific intent to promote,
25 further, or assist sex trafficking shall be punished in the following manner:

26 (1) Any person who violates this section in the commission of a misdemeanor shall be
27 punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a state
28 correctional facility for one, two, or three years;

29 (2) Any person who violates this section in the commission of a felony shall, upon
30 conviction of that felony, in addition and consecutive to the punishment prescribed for the felony of
31 which he or she has been convicted, be punished by an additional term of one, two, or three years at
32 the court's discretion. If the underlying felony is committed on the grounds of, or within one
33 thousand feet of a public or private elementary, vocational, junior high, or high school, the
34 additional term shall be two, three, or four years, at the court's discretion. The court shall order the
35 imposition of the middle term of the sentence enhancement, unless there are circumstances in
36 aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements

Action Taken _____ Date _____

- 1 on the record a the time of sentencing;
- 2 (3) Any person who violates this section in the commission of a felony punishable by death
- 3 or imprisonment for life shall not be paroled until a minimum of fifteen calendar years have been
- 4 served in the custody of the department of corrections."; and
- 5
- 6 Further amend said bill by amending the title, enacting clause, and intersectional references
- 7 accordingly.