

HCS HB 397 -- SEX TRAFFICKING

SPONSOR: Coleman (97)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 0.

Currently, it is an affirmative defense to prosecution of the offense of prostitution that the defendant was under the age of 18 and was acting under the coercion of an agent at the time of the offense charged. This bill changes the affirmative defense to that the defendant was under the age of 18.

The bill adds certain offenses related to sexual trafficking, solicitation, prostitution, and abuse and neglect that may be used to qualify for the pattern of street gang activity offense if certain requirements under Section 578.421, RSMo, are met.

Finally, a person who was convicted of the offense of prostitution and who was under 18 at the time of the offense may apply to the court in which he or she pled guilty or was sentenced to expunge all official records relating to the offense. If the court determines that the person was under 18 when committing the offense, the court shall enter an order of expungement.

PROPOSERS: Supporters say that the bill will reduce criminal charges against minors who are by definition subject to coercion when subjected to illicit sexual acts and abuse. Drugs are often used to maintain control of victims of these crimes. Most other states have similar "safe harbor" laws to help these victims. Prosecution of minors for prostitution or similar crimes leads to alienation of the child from law enforcement and makes prosecution of adult criminals more difficult.

Testifying for the bill were Representative Coleman; Kids Win Missouri; National Association of Social Workers-Missouri Chapter; Missouri Coalition of Children's Agencies; Missouri Kids First; Dianna Fine, National Coalition of Jewish Women-St Louis; Office of Child Advocate; and St. Louis Children's Hospital.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they are available to take questions and provide information.

Testifying on the bill was Rumi Kato Price, Human Trafficking Collaborative Network.