

HCS HB 397 -- SEX TRAFFICKING (Coleman (97))

COMMITTEE OF ORIGIN: Standing Committee on General Laws

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. Those over 18 years of age retain the defense of coercion to a charge of prostitution. A court must certify anyone under 18 charged with a violation of the bill as an adult in order to remove the action from juvenile court.

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. Those over 18 years of age retain the defense of coercion to a charge of prostitution.

A provision exempting labor organizations and their members and agents from all charges under the provisions in the bill are repealed.