

SECOND REGULAR SESSION

HOUSE BILL NO. 2032

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (6).

4200H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 567.020 and 589.414, RSMo, and to enact in lieu thereof seven new sections relating to child trafficking, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 567.020 and 589.414, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 567.020, 573.024, 573.206, 589.414, 650.650, 660.580, and 660.585, to read as follows:

567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration

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.

16 successful completion of a drug or alcohol treatment program in determining the defendant's
17 sentence.

18 5. ~~[In addition to the affirmative defense provided in subsection 2 of section 566.223,~~
19 ~~it shall be an affirmative defense to prosecution pursuant to this section that the defendant~~
20 ~~was] A person shall not be guilty of the offense of prostitution if the person was under the~~
21 ~~age of eighteen [and was acting under the coercion, as defined in section 566.200, of an~~
22 ~~agent] at the time of the offense charged. In such cases where the [defendant] person was~~
23 ~~under the age of eighteen, the [defendant] person shall be classified as a victim of abuse, as~~
24 ~~defined under section 210.110, and such abuse shall be reported, as required under section~~
25 ~~210.115. Such person shall be placed in protective custody for the purpose of being~~
26 ~~reunited into the person's home if the home is safe, or the person may be referred to~~
27 ~~agencies that rehabilitate minors being trafficked, or both.~~

573.024. 1. A person commits the offense of facilitating or enabling sexual
2 exploitation of a child if such person knowingly causes, procures, or permits a willful or
3 malicious act of child sexual exploitation including, but not limited to, allowing,
4 permitting, or encouraging a child under eighteen years of age to engage in prostitution
5 or allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic
6 photographing, filming, or depicting of a child under eighteen years of age by another.

7 2. The offense of facilitating or enabling sexual exploitation of a child is a class A
8 misdemeanor for the first offense and a class E felony for a second or subsequent
9 offense.

10 3. If the person guilty of the offense of facilitating or enabling sexual exploitation
11 of a child is an owner of a business or the owner's agent and the business provided the
12 location for such exploitation, the business shall be required to close for not less than
13 one year for the first offense, which shall be determined by the court. For a second
14 offense, such business shall permanently close. As used in this section, "business" shall
15 include, but is not limited to, a hotel or massage parlor.

573.206. 1. A person commits the offense of patronizing a sexual performance
2 by a child if such person obtains, solicits, or participates in a sexual performance by a
3 child under eighteen years of age.

4 2. The offense of patronizing a sexual performance by a child is a class C felony.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall,
2 within three business days, appear in person to the chief law enforcement officer of the
3 county or city not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;

7 (4) Student status; or

8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within
10 three business days, notify the chief law enforcement official of the county or city not within
11 a county of any changes to the following information:

12 (1) Vehicle information;

13 (2) Temporary lodging information;

14 (3) Temporary residence information;

15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or

17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately forward the registration changes described under subsections 1 and 2 of this
21 section to the Missouri state highway patrol within three business days.

22 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the
25 person last registered and the chief law enforcement official of the county or city not within a
26 county having jurisdiction over the new residence or address in writing within three business
27 days of such new address and phone number, if the phone number is also changed. If any
28 person required by sections 589.400 to 589.425 to register changes his or her state, territory,
29 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
30 residence, the person shall appear in person and shall inform both the chief law enforcement
31 official with whom the person was last registered and the chief law enforcement official of the
32 area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal,
33 or military jurisdiction having jurisdiction over the new residence or address within three
34 business days of such new address. Whenever a registrant changes residence, the chief law
35 enforcement official of the county or city not within a county where the person was
36 previously registered shall inform the Missouri state highway patrol of the change within
37 three business days. When the registrant is changing the residence to a new state, territory,
38 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
39 Missouri state highway patrol shall inform the responsible official in the new state, territory,
40 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
41 residence within three business days.

42 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
43 section, shall report in person to the chief law enforcement official annually in the month of

44 their birth to verify the information contained in their statement made pursuant to section
45 589.407. Tier I sexual offenders include:

46 (1) Any offender who has been adjudicated for the offense of:

47 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
48 years of age or older;

49 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense
50 and the punishment is less than one year;

51 (c) Sexual abuse in the second degree under section 566.101 if the punishment is less
52 than a year;

53 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;

54 (e) Kidnapping in the third degree under section 565.130;

55 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first
56 degree under section 566.115 if the punishment is less than one year;

57 (g) Sexual conduct under section 566.116 with a nursing facility resident or
58 vulnerable person;

59 (h) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public**
60 **duty** under section 566.145 if the victim is eighteen years of age or older;

61 (i) Sex with an animal under section 566.111;

62 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the
63 victim is eighteen years of age or older;

64 (k) Possession of child pornography under section 573.037;

65 (l) Sexual misconduct in the first degree under section 566.093;

66 (m) Sexual misconduct in the second degree under section 566.095;

67 (n) Child molestation in the second degree under section 566.068 as it existed prior to
68 January 1, 2017, if the punishment is less than one year; or

69 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years
70 of age;

71 (2) Any offender who is or has been adjudicated in any other state, territory, the
72 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
73 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
74 offenses listed in this subsection or, if not comparable to those in this subsection, comparable
75 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
76 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

77 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
78 section, shall report semiannually in person in the month of their birth and six months
79 thereafter to the chief law enforcement official to verify the information contained in their
80 statement made pursuant to section 589.407. Tier II sexual offenders include:

81 (1) Any offender who has been adjudicated for the offense of:

82 (a) Statutory sodomy in the second degree under section 566.064 if the victim is
83 sixteen to seventeen years of age;

84 (b) Child molestation in the third degree under section 566.069 if the victim is
85 between thirteen and fourteen years of age;

86 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to
87 seventeen years of age;

88 (d) Enticement of a child under section 566.151;

89 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
90 victim is thirteen to seventeen years of age;

91 (f) Sexual exploitation of a minor under section 573.023;

92 (g) Promoting child pornography in the first degree under section 573.025;

93 (h) Promoting child pornography in the second degree under section 573.035;

94 (i) Patronizing prostitution under section 567.030;

95 (j) **Patronizing a sexual performance by a child under section 573.206;**

96 (k) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty**
97 under section 566.145 if the victim is thirteen to seventeen years of age;

98 ~~[(k)]~~ **(l)** Child molestation in the fourth degree under section 566.071 if the victim is
99 thirteen to seventeen years of age;

100 ~~[(l)]~~ **(m)** Sexual misconduct involving a child under section 566.083 if it is a first
101 offense and the penalty is a term of imprisonment of more than a year; or

102 ~~[(m)]~~ **(n)** Age misrepresentation with intent to solicit a minor under section 566.153;

103 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
104 in this section or failure to register offense under section 589.425 or comparable out-of-state
105 failure to register offense and who is already required to register as a tier I offender due to
106 having been adjudicated of a tier I offense on a previous occasion; or

107 (3) Any person who is or has been adjudicated in any other state, territory, the District
108 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
109 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses
110 listed in this subsection or, if not comparable to those in this subsection, comparable to those
111 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I
112 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

113 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
114 this section, shall report in person to the chief law enforcement official every ninety days to
115 verify the information contained in their statement made under section 589.407. Tier III
116 sexual offenders include:

- 117 (1) Any offender registered as a predatory sexual offender as defined in section
118 ~~[566.123]~~ **566.125** or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;
- 119 (2) Any offender who has been adjudicated for the crime of:
- 120 (a) Rape in the first degree under section 566.030;
- 121 (b) Statutory rape in the first degree under section 566.032;
- 122 (c) Rape in the second degree under section 566.031;
- 123 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
124 offense is sexual in nature;
- 125 (e) Sodomy in the first degree under section 566.060;
- 126 (f) Statutory sodomy under section 566.062;
- 127 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of
128 age;
- 129 (h) Sodomy in the second degree under section 566.061;
- 130 (i) Sexual misconduct involving a child under section 566.083 if the offense is a
131 second or subsequent offense;
- 132 (j) Sexual abuse in the first degree under section 566.100 if the victim is under
133 thirteen years of age;
- 134 (k) Kidnapping in the first degree under section 565.110 if the victim is under
135 eighteen years of age, excluding kidnapping by a parent or guardian;
- 136 (l) Child kidnapping under section 565.115;
- 137 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
138 degree under section 566.115 if the punishment is greater than a year;
- 139 (n) Incest under section 568.020;
- 140 (o) Endangering the welfare of a child in the first degree under section 568.045 with
141 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 142 (p) Child molestation in the first degree under section 566.067;
- 143 (q) Child molestation in the second degree under section 566.068;
- 144 (r) Child molestation in the third degree under section 566.069 if the victim is under
145 thirteen years of age;
- 146 (s) Promoting prostitution in the first degree under section 567.050 if the victim is
147 under eighteen years of age;
- 148 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
149 under eighteen years of age;
- 150 (u) Promoting prostitution in the third degree under section 567.070 if the victim is
151 under eighteen years of age;
- 152 (v) Promoting travel for prostitution under section 567.085 if the victim is under
153 eighteen years of age;

- 154 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the
155 victim is under eighteen years of age;
- 156 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 157 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 158 (z) Genital mutilation of a female child under section 568.065;
- 159 (aa) Statutory rape in the second degree under section 566.034;
- 160 (bb) Child molestation in the fourth degree under section 566.071 if the victim is
161 under thirteen years of age;
- 162 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term
163 of imprisonment of more than a year;
- 164 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
165 offender;
- 166 **(ee) Patronizing prostitution under section 567.030 if the victim is under**
167 **eighteen years of age;**
- 168 ~~[(ee)]~~ **(ff)** Abuse of a child under section 568.060 if the offense is of a sexual nature
169 and the victim is under thirteen years of age;
- 170 ~~[(ff)]~~ **(gg)** Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of**
171 **public duty** under section 566.145 if the victim is under thirteen years of age;
- 172 ~~[(gg)]~~ **(hh)** Sexual ~~[intercourse with a prisoner or offender]~~ **conduct in the course of**
173 **public duty** under section 566.145;
- 174 ~~[(hh)]~~ **(ii)** Sexual contact with a student under section 566.086 if the victim is under
175 thirteen years of age;
- 176 ~~[(i)]~~ **(jj)** Use of a child in a sexual performance under section 573.200; or
- 177 ~~[(jj)]~~ **(kk)** Promoting a sexual performance by a child under section 573.205;
- 178 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II
179 offense listed in this section or failure to register offense under section 589.425, or other
180 comparable out-of-state failure to register offense, who has been or is already required to
181 register as a tier II offender because of having been adjudicated for a tier II offense, two tier I
182 offenses, or combination of a tier I offense and failure to register offense, on a previous
183 occasion;
- 184 (4) Any offender who is adjudicated in any other state, territory, the District of
185 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
186 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
187 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I
188 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

189 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
190 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier
191 II offense in this section.

192 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
193 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
194 public or private, including any secondary school, trade school, professional school, or
195 institution of higher education, on a full-time or part-time basis or have a temporary residence
196 in this state shall be required to report in person to the chief law enforcement officer in the
197 area of the state where they work, including as a volunteer or unpaid intern, or attend any
198 school or training and register in that state. "Part-time" in this subsection means for more
199 than seven days in any twelve-month period.

200 9. If a person who is required to register as a sexual offender under sections 589.400
201 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person
202 shall report such information in the same manner as a change of residence before using such
203 online identifier.

**650.650. The department of public safety shall maintain a list of providers and
2 agencies specializing in the rehabilitation of minors who were victims of trafficking, and
3 the list shall be made available to the victims.**

**660.580. In conjunction with law enforcement agencies, the Missouri state
2 highway patrol, and the attorney general, the department of social services shall develop
3 protocols that protect and rehabilitate minors who were victims of trafficking.**

**660.585. On or before January thirty-first of each year, the department of social
2 services shall issue an annual report to the department of public safety and to the
3 attorney general's human trafficking task force. The report shall include the number of
4 child sex trafficking victims during the previous year, the agency or organization victims
5 were told to contact, and an annual update on each child victim.**

✓