

SECOND REGULAR SESSION

SENATE BILL NO. 1210

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY, DAYS, STEELMAN, YECKEL, CHAMPION, BLAND AND COLEMAN.

Read 1st time February 4, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4290S.02I

AN ACT

To amend chapter 556, RSMo, by adding thereto seven new sections relating to human trafficking, with penalty provisions.

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

Section A. Chapter 556, RSMo, is amended by adding thereto seven new sections, to be known as sections 556.200, 556.203, 556.206, 556.209, 556.212, 556.215, and 556.218, to read as follows:

556.200. As used in sections 556.200 to 556.218, the following terms shall mean:

(1) "Basic rights information", information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources;

(2) "Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international matchmaking organization to meet recruits;

(3) "Coercion";

(a) Threats of substantial bodily harm to or physical restraint against any person;

(b) Any scheme, plan, or pattern of behavior intended to cause a person to believe that failure to perform an act will result in substantial bodily harm to or physical restraint against any person; or

(c) The abuse or threatened abuse of the legal process;

(4) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(5) "Criminal history record information", criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol;

(6) "International matchmaking organization", a corporation, partnership, or other legal entity, whether or not organized pursuant to the laws of the United States or any state, that does business in the United States and for-profit offers to residents of Missouri, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, or statistics, the selection of photographs, and creating a social environment provided by the organization in a country other than the United States. Such business shall not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits by such organization and the laws of the United States, or an organization that does not charge a fee to any party for the services provided;

(7) "Involuntary servitude", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint;
or

(b) The abuse or threatened abuse of the legal process;

(8) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international matchmaking organization;

(9) "Recruit", a non-citizen, non-resident, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

556.203. 1. A person commits the crime of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By threats of serious harm or physical restraint against such person or another person;

(2) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer substantial bodily harm or physical restraint;
or

(3) By means of the abuse or threatened abuse of the law or the legal process.

2. The crime of abuse through forced labor is a class B felony.

556.206. 1. A person commits the crime of trafficking for the purposes of

slavery, involuntary servitude, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services.

2. The crime of trafficking for the purposes of slavery, involuntary servitude, or forced labor is a class B felony.

556.209. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Through the use of coercion, force, or fraud, causes a person under the age of eighteen to engage in a commercial sex act.

2. The crime of sexual trafficking of a child is a class A felony if the child is under the age of fourteen; otherwise, it is a class B felony.

556.212. 1. A person commits the crime of contributing to human trafficking through the misuse of documentation when the individual knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing crimes or with the intent to commit crimes, pursuant to sections 556.200 to 556.218; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person, who is the victim of a crime committed pursuant to sections 556.200 to 556.218.

2. The crime of contributing to human trafficking through the misuse of documentation is a class D felony.

556.215. A court sentencing an offender convicted of violating the provisions of sections 556.203, 556.206, 556.209, and 556.212 shall order the offender to pay restitution to the victim of the offense.

556.218. 1. An international matchmaking organization shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international matchmaking organization shall disseminate to a recruit the criminal history record information and marital history information of a client

and basic rights information no later than thirty days after the date the international matchmaking organization receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international matchmaking organization shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international matchmaking organization; and

(3) Provide to the international matchmaking organization his or her own marital history information.

4. An international matchmaking organization shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international matchmaking organization shall not provide any further services to the client or the recruit until the organization has obtained the requested criminal history record information and marital history information and provided the information to the recruit.

6. An international matchmaking organization shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.

8. It shall be a class D felony to violate the requirements of notice and providing information as required pursuant to this section.

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