

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 804**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Seniors, Families and Children, February 4, 2016, with recommendation that the Senate Committee Substitute do pass.

4274S.02C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and to enact in lieu thereof five new sections relating to sexual trafficking, with penalty provisions.

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

Section A. Sections 566.210, 566.211, 566.212, and 566.213, RSMo, section  
2 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly,  
3 second regular session and section 566.209 as enacted by house bill no. 214,  
4 ninety-sixth general assembly, first regular session, are repealed and five new  
5 sections enacted in lieu thereof, to be known as sections 566.209, 566.210,  
6 566.211, 566.212, and 566.213, to read as follows:

566.209. 1. A person commits the offense of trafficking for the purposes  
2 of sexual exploitation if he or she knowingly recruits, entices, harbors, transports,  
3 provides, **advertises the availability of**, or obtains by any means, including  
4 but not limited to through the use of force, abduction, coercion, fraud, deception,  
5 blackmail, or causing or threatening to cause financial harm, another person for  
6 the use or employment of such person in a **commercial sex act**, sexual conduct,  
7 a sexual performance, or the production of explicit sexual material as defined in  
8 section 573.010, without his or her consent, or benefits, financially or by receiving  
9 anything of value, from participation in such activities.

10 2. The offense of trafficking for the purposes of sexual exploitation is a  
11 felony punishable by imprisonment for a term of years not less than five years

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 and not more than twenty years and a fine not to exceed two hundred fifty  
13 thousand dollars. If a violation of this section was effected by force, abduction,  
14 or coercion, the offense of trafficking for the purposes of sexual exploitation is a  
15 felony punishable by imprisonment for a term of years not less than ten years or  
16 life and a fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the crime of trafficking for the purposes of  
2 sexual exploitation if a person knowingly recruits, entices, harbors, transports,  
3 provides, **advertises the availability of**, or obtains by any means, including  
4 but not limited to through the use of force, abduction, coercion, fraud, deception,  
5 blackmail, or causing or threatening to cause financial harm, another person for  
6 the use or employment of such person in a **commercial sex act**, sexual conduct,  
7 a sexual performance, or the production of explicit sexual material as defined in  
8 section 573.010, without his or her consent, or benefits, financially or by receiving  
9 anything of value, from participation in such activities.

10 2. The crime of trafficking for the purposes of sexual exploitation is a  
11 felony punishable by imprisonment for a term of years not less than five years  
12 and not more than twenty years and a fine not to exceed two hundred fifty  
13 thousand dollars. If a violation of this section was effected by force, abduction,  
14 or coercion, the crime of trafficking for the purposes of sexual exploitation is a  
15 felony punishable by imprisonment for a term of years not less than ten years or  
16 life and a fine not to exceed two hundred fifty thousand dollars.

566.210. 1. A person commits the offense of sexual trafficking of a child  
2 in the first degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any  
4 means, including but not limited to through the use of force, abduction, coercion,  
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a  
6 person under the age of twelve to participate in a commercial sex act, a sexual  
7 performance, or the production of explicit sexual material as defined in section  
8 573.010, or benefits, financially or by receiving anything of value, from  
9 participation in such activities; [or]

10 (2) Causes a person under the age of twelve to engage in a commercial sex  
11 act, a sexual performance, or the production of explicit sexual material as defined  
12 in section 573.010; **or**

13 (3) **Advertises the availability of a person under the age of**  
14 **twelve to participate in a commercial sex act, a sexual performance, or**  
15 **the production of explicit sexual material as defined in section 573.010.**

16           2. It shall not be a defense that the defendant believed that the person  
17 was twelve years of age or older.

18           3. The offense of sexual trafficking of a child in the first degree is a felony  
19 for which the authorized term of imprisonment is life imprisonment without  
20 eligibility for probation or parole until the offender has served not less than  
21 twenty-five years of such sentence. Subsection 4 of section 558.019 shall not  
22 apply to the sentence of a person who has been found guilty of sexual trafficking  
23 of a child less than twelve years of age, and "life imprisonment" shall mean  
24 imprisonment for the duration of a person's natural life for the purposes of this  
25 section.

566.211. 1. A person commits the offense of sexual trafficking of a child  
2 in the second degree if he or she knowingly:

3           (1) Recruits, entices, harbors, transports, provides, or obtains by any  
4 means, including but not limited to through the use of force, abduction, coercion,  
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a  
6 person under the age of eighteen to participate in a commercial sex act, a sexual  
7 performance, or the production of explicit sexual material as defined in section  
8 573.010, or benefits, financially or by receiving anything of value, from  
9 participation in such activities; [or]

10           (2) Causes a person under the age of eighteen to engage in a commercial  
11 sex act, a sexual performance, or the production of explicit sexual material as  
12 defined in section 573.010; or

13           **(3) Advertises the availability of a person under the age of**  
14 **eighteen to participate in a commercial sex act, a sexual performance,**  
15 **or the production of explicit sexual material as defined in section**  
16 **573.010.**

17           2. It shall not be a defense that the defendant believed that the person  
18 was eighteen years of age or older.

19           3. The offense sexual trafficking of a child in the second degree is a felony  
20 punishable by imprisonment for a term of years not less than ten years or life and  
21 a fine not to exceed two hundred fifty thousand dollars if the child is under the  
22 age of eighteen. If a violation of this section was effected by force, abduction, or  
23 coercion, the crime of sexual trafficking of a child shall be a felony for which the  
24 authorized term of imprisonment is life imprisonment without eligibility for  
25 probation or parole until the defendant has served not less than twenty-five years  
26 of such sentence.

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

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any  
4 means, including but not limited to through the use of force, abduction, coercion,  
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a  
6 person under the age of eighteen to participate in a commercial sex act, a sexual  
7 performance, or the production of explicit sexual material as defined in section  
8 573.010, or benefits, financially or by receiving anything of value, from  
9 participation in such activities; [or]

10 (2) Causes a person under the age of eighteen to engage in a commercial  
11 sex act, a sexual performance, or the production of explicit sexual material as  
12 defined in section 573.010; or

13 **(3) Advertises the availability of a person under the age of**  
14 **eighteen to participate in a commercial sex act, a sexual performance,**  
15 **or the production of explicit sexual material as defined in section**  
16 **573.010.**

17 2. It shall not be a defense that the defendant believed that the person  
18 was eighteen years of age or older.

19 3. Sexual trafficking of a child is a felony punishable by imprisonment for  
20 a term of years not less than ten years or life and a fine not to exceed two  
21 hundred fifty thousand dollars if the child is under the age of eighteen. If a  
22 violation of this section was effected by force, abduction, or coercion, the crime of  
23 sexual trafficking of a child shall be a felony for which the authorized term of  
24 imprisonment is life imprisonment without eligibility for probation or parole until  
25 the defendant has served not less than twenty-five years of such sentence.

566.213. 1. A person commits the crime of sexual trafficking of a child  
2 under the age of twelve if the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any  
4 means, including but not limited to through the use of force, abduction, coercion,  
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a  
6 person under the age of twelve to participate in a commercial sex act, a sexual  
7 performance, or the production of explicit sexual material as defined in section  
8 573.010, or benefits, financially or by receiving anything of value, from  
9 participation in such activities; [or]

10 (2) Causes a person under the age of twelve to engage in a commercial sex  
11 act, a sexual performance, or the production of explicit sexual material as defined

12 in section 573.010; or

13 **(3) Advertises the availability of a person under the age of**  
14 **twelve to participate in a commercial sex act, a sexual performance, or**  
15 **the production of explicit sexual material as defined in section 573.010.**

16 2. It shall not be a defense that the defendant believed that the person  
17 was twelve years of age or older.

18 3. Sexual trafficking of a child less than twelve years of age shall be a  
19 felony for which the authorized term of imprisonment is life imprisonment  
20 without eligibility for probation or parole until the defendant has served not less  
21 than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not  
22 apply to the sentence of a person who has pleaded guilty to or been found guilty  
23 of sexual trafficking of a child less than twelve years of age, and "life  
24 imprisonment" shall mean imprisonment for the duration of a person's natural  
25 life for the purposes of this section.

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Bill

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