

SECOND REGULAR SESSION  
[P E R F E C T E D]  
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.

Senate Committee Substitute for Senate Bill No. 804, adopted February 25, 2016.

Taken up for Perfection February 25, 2016. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

4274S.02P

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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4 ninety-sixth general assembly, first regular session, are repealed and five new  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.

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

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  
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.

✓  
Bill

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