

SENATE BILL NO. 1428

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

5732S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 566.203, 566.206, 566.209, 566.210, 566.211, and 567.050, RSMo, and to enact in lieu thereof six new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 566.203, 566.206, 566.209, 566.210,
2 566.211, and 567.050, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 566.203,
4 566.206, 566.209, 566.210, 566.211, and 567.050, to read as
5 follows:

566.203. 1. A person commits the offense of abusing
2 an individual through forced labor by knowingly providing or
3 obtaining the labor or services of a person:

4 (1) By causing or threatening to cause serious
5 physical injury to any person;

6 (2) By physically restraining or threatening to
7 physically restrain another person;

8 (3) By blackmail;

9 (4) By means of any scheme, plan, or pattern of
10 behavior intended to cause such person to believe that, if
11 the person does not perform the labor services, the person
12 or another person will suffer serious physical injury,
13 physical restraint, or financial harm; or

14 (5) By means of the abuse or threatened abuse of the
15 law or the legal process.

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

16 2. A person who is found guilty of the crime of abuse
17 through forced labor shall not be required to register as a
18 sexual offender pursuant to the provisions of section
19 589.400, unless such person is otherwise required to
20 register pursuant to the provisions of such section.

21 3. The offense of abuse through forced labor is a
22 felony punishable by imprisonment for [a term of years not
23 less than five years and not more than twenty years and a
24 fine not to exceed two hundred fifty thousand dollars. If
25 death results from a violation of this section, or if the
26 violation includes kidnapping or an attempt to kidnap,
27 sexual abuse when punishable as a class B felony, or an
28 attempt to commit sexual abuse when punishable as a class B
29 felony, or an attempt to kill, it shall be punishable for a
30 term of years not less than five years or life and a fine
31 not to exceed two hundred fifty thousand dollars] **life**
32 **without eligibility for probation or parole.**

 566.206. 1. A person commits the offense of
2 trafficking for the purposes of slavery, involuntary
3 servitude, peonage, or forced labor if he or she knowingly
4 recruits, entices, harbors, transports, provides, or obtains
5 by any means, including but not limited to through the use
6 of force, abduction, coercion, fraud, deception, blackmail,
7 or causing or threatening to cause financial harm, another
8 person for labor or services, for the purposes of slavery,
9 involuntary servitude, peonage, or forced labor, or
10 benefits, financially or by receiving anything of value,
11 from participation in such activities.

12 2. A person who is found guilty of the offense of
13 trafficking for the purposes of slavery, involuntary
14 servitude, peonage, or forced labor shall not be required to
15 register as a sexual offender pursuant to the provisions of

16 section 589.400, unless he or she is otherwise required to
17 register pursuant to the provisions of such section.

18 3. [Except as provided in subsection 4 of this
19 section,] The offense of trafficking for the purposes of
20 slavery, involuntary servitude, peonage, or forced labor is
21 a felony punishable by imprisonment for [a term of years not
22 less than five years and not more than twenty years and a
23 fine not to exceed two hundred fifty thousand dollars] **life**
24 **without eligibility for probation or parole.**

25 [4. If death results from a violation of this section,
26 or if the violation includes kidnapping or an attempt to
27 kidnap, sexual abuse when punishable as a class B felony or
28 an attempt to commit sexual abuse when the sexual abuse
29 attempted is punishable as a class B felony, or an attempt
30 to kill, it shall be punishable by imprisonment for a term
31 of years not less than five years or life and a fine not to
32 exceed two hundred fifty thousand dollars.]

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

14 2. The crime of trafficking for the purposes of sexual
15 exploitation is a felony punishable by imprisonment for [a

16 term of years not less than five years and not more than
17 twenty years and a fine not to exceed two hundred fifty
18 thousand dollars. If a violation of this section was
19 effected by force, abduction, or coercion, the crime of
20 trafficking for the purposes of sexual exploitation is a
21 felony punishable by imprisonment for a term of years not
22 less than ten years or life and a fine not to exceed two
23 hundred fifty thousand dollars] **life without eligibility**
24 **for probation or parole.**

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

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

13 (2) Causes a person under the age of twelve to engage
14 in a commercial sex act, a sexual performance, or the
15 production of explicit sexual material as defined in section
16 573.010; or

17 (3) Advertises the availability of a person under the
18 age of twelve to participate in a commercial sex act, a
19 sexual performance, or the production of explicit sexual
20 material as defined in section 573.010.

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

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

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

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

13 (2) Causes a person under the age of eighteen to
14 engage in a commercial sex act, a sexual performance, or the
15 production of explicit sexual material as defined in section
16 573.010; or

17 (3) Advertises the availability of a person under the
18 age of eighteen to participate in a commercial sex act, a
19 sexual performance, or the production of explicit sexual
20 material as defined in section 573.010.

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

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

567.050. 1. A person commits the offense of promoting
2 prostitution in the first degree if he or she knowingly:

3 (1) Promotes prostitution by compelling a person to
4 enter into, engage in, or remain in prostitution;

5 (2) Promotes prostitution of a person less than
6 [sixteen] **eighteen** years of age; or

7 (3) Owns, manages, or operates an interactive computer
8 service, or conspires or attempts to do so, with the intent
9 to promote or facilitate the prostitution of another. As
10 used in this subdivision, the term "interactive computer
11 service" shall mean any information service, system, or
12 access software provider that provides or enables computer
13 access by multiple users to a computer server, including
14 specifically a service or system that provides access to the
15 internet and such systems operated or services offered by
16 libraries or educational institutions.

17 2. The term "compelling" includes:

18 (1) The use of forcible compulsion;

19 (2) The use of a drug or intoxicating substance to
20 render a person incapable of controlling his conduct or
21 appreciating its nature;

22 (3) Withholding or threatening to withhold dangerous
23 drugs or a narcotic from a drug dependent person.

24 3. (1) The offense of promoting prostitution in the
25 first degree under subdivision (1) or (3) of subsection 1 of
26 this section is a class B felony.

27 (2) The offense of promoting prostitution in the first
28 degree under subdivision (3) of subsection 1 of this section
29 is a class A felony if a person acts in reckless disregard
30 of the fact that such conduct contributed to the offense of
31 trafficking for the purposes of sexual exploitation under
32 section 566.209.

33 (3) The offense of promoting prostitution in the first
34 degree under subdivision (2) of subsection 1 of this section
35 is a felony punishable by a term of imprisonment [not less
36 than ten years and not to exceed fifteen years] **for life**
37 **without eligibility for probation or parole.**

38 4. A person injured by the acts committed in violation
39 of subdivision (3) of subsection 1 of this section or
40 subdivision (2) of subsection 3 of this section shall have a
41 civil cause of action to recover damages and reasonable
42 attorneys' fees for such injury.

43 5. In addition to the court's authority to order a
44 defendant to make restitution for the damage or loss caused
45 by his or her offense as provided in section 559.105, the
46 court shall enter a judgment of restitution against the
47 defendant convicted of violating subdivision (3) of
48 subsection 1 of this section and subdivision (2) of
49 subsection 3 of this section.

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