

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
**HOUSE BILL NO. 1487**

**92ND GENERAL ASSEMBLY**

4646L.07T

2004

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**AN ACT**

To repeal sections 556.037, 565.110, and 567.030, RSMo, and to enact in lieu thereof twelve new sections relating to crimes against persons, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 556.037, 565.110, and 567.030, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 556.037, 565.110, 565.115, 566.200, 566.203, 566.206, 566.209, 566.212, 566.215, 566.218, 566.223, and 567.030, to read as follows:

556.037. **Notwithstanding** the provisions of section 556.036, [to the contrary notwithstanding,] prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within [ten] **twenty** years after the victim reaches the age of eighteen **unless the prosecutions are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.**

565.110. 1. A person commits the crime of kidnapping if he **or she** unlawfully removes another without his **or her** consent from the place where he **or she** is found or unlawfully confines another without his **or her** consent for a substantial period, for the purpose of

(1) Holding that person for ransom or reward, or for any other act to be performed or not performed for the return or release of that person; or

(2) Using the person as a shield or as a hostage; or

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

- 7 (3) Interfering with the performance of any governmental or political function; or
- 8 (4) Facilitating the commission of any felony or flight thereafter; or
- 9 (5) Inflicting physical injury on or terrorizing the victim or another.

10 2. Kidnapping is a class A felony unless committed under subdivision (4) or (5) of  
11 subsection 1 in which cases it is a class B felony.

**565.115. 1. A person commits the crime of child kidnapping if such person is not  
2 a relative of the child within the third degree and such person:**

3 (1) **Unlawfully removes a child under the age of fourteen without the consent of  
4 such child's parent or guardian from the place where such child is found; or**

5 (2) **Unlawfully confines a child under the age of fourteen without the consent of  
6 such child's parent or guardian.**

7 2. **In determining whether the child was removed or confined unlawfully, it is an  
8 affirmative defense that the person reasonably believed that the person's actions were  
9 necessary to preserve the child from danger to his or her welfare.**

10 3. **Child kidnapping is a class A felony.**

**566.200. As used in sections 566.200 to 566.218, the following terms shall mean:**

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

4 (2) **"Involuntary servitude or forced labor", a condition of servitude induced by  
5 means of:**

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

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

10 (3) **"Peonage", illegal and involuntary servitude in satisfaction of debt.**

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

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

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

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

9 2. **A person who pleads guilty to or is found guilty of the crime of abuse through  
10 forced labor shall not be required to register as a sexual offender pursuant to the**

11 provisions of section 589.400, RSMo, unless such person is otherwise required to register  
12 pursuant to the provisions of such section.

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

566.206. 1. A person commits the crime of trafficking for the purposes of slavery,  
2 involuntary servitude, peonage, or forced labor if a person knowingly recruits, harbors,  
3 transports, provides, or obtains by any means, another person for labor or services, for the  
4 purposes of slavery, involuntary servitude, peonage, or forced labor.

5 2. A person who pleads guilty to or is found guilty of the crime of trafficking for  
6 the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be  
7 required to register as a sexual offender pursuant to the provisions of section 589.400,  
8 RSMo, unless such person is otherwise required to register pursuant to the provisions of  
9 such section.

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

566.209. 1. A person commits the crime of trafficking for the purposes of sexual  
2 exploitation if a person knowingly recruits, transports, provides, or obtains by any means,  
3 another person for the use or employment of such person in sexual conduct as defined in  
4 section 556.061, RSMo, without his or her consent.

5 2. The crime of trafficking for the purposes of sexual exploitation is a class B  
6 felony.

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

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

6 (2) Causes a person under the age of eighteen to engage in a commercial sex act.

7 2. It shall not be an affirmative defense that the defendant believed that the person  
8 was eighteen years of age or older.

9 3. The crime of sexual trafficking of a child is a class A felony if the child is under  
10 the age of eighteen.

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

3 (1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly  
4 valid passport, government identification document, or other immigration document of  
5 another person while committing crimes or with the intent to commit crimes, pursuant to  
6 sections 566.200 to 566.218; or

7           **(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority,**  
8 **a person's ability to move or travel by restricting the proper use of identification, in order**  
9 **to maintain the labor or services of a person, who is the victim of a crime committed**  
10 **pursuant to sections 566.200 to 566.218.**

11           **2. A person who pleads guilty to or is found guilty of the crime of contributing to**  
12 **human trafficking through the misuse of documentation shall not be required to register**  
13 **as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such**  
14 **person is otherwise required to register pursuant to the provisions of such section.**

15           **3. The crime of contributing to human trafficking through the misuse of**  
16 **documentation is a class D felony.**

**566.218. A court sentencing an offender convicted of violating the provisions of**  
2 **sections 566.203, 566.206, 566.209, 566.212, and 566.215, shall order the offender to pay**  
3 **restitution to the victim of the offense.**

**566.223. Any individual who is alleging that a violation of sections 566.200 to**  
2 **566.218 has occurred against his or her person, shall be afforded the rights and protections**  
3 **provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386,**  
4 **as amended.**

          567.030. 1. A person commits the crime of patronizing prostitution if he patronizes  
2 prostitution.

3           **2. It shall not be an affirmative defense that the defendant believed that the person**  
4 **he or she patronized for prostitution was eighteen years of age or older.**

5           **3. Patronizing prostitution is a class B misdemeanor, unless the individual who the**  
6 **person is patronizing is under the age of eighteen but older than the age of fourteen, in**  
7 **which case patronizing prostitution is a class A misdemeanor.**

8           **4. Patronizing prostitution is a class D felony if the individual who the person**  
9 **patronizes is fourteen years of age or younger. Nothing in this section shall preclude the**  
10 **prosecution of an individual for the offenses of:**

11           **(1) Statutory rape in the first degree pursuant to section 566.032, RSMo;**

12           **(2) Statutory rape in the second degree pursuant to section 566.034, RSMo;**

13           **(3) Statutory sodomy in the first degree pursuant to section 566.062, RSMo; or**

14           **(4) Statutory sodomy in the second degree pursuant to section 566.064, RSMo.**

          Section B. Because immediate action is necessary to protect the children of this state  
2 from kidnapping, the repeal and reenactment of section 565.110 and the enactment of section  
3 565.115 of section A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and the repeal and reenactment of section 565.110 and the

6 enactment of section 565.115 of section A of this act shall be in full force and effect upon its  
7 passage and approval.