

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 834, Page 18, Section 559.115, Line 77, by inserting after said section and line the following:

"566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than ~~fifteen~~ seventeen years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

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

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

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

(3) By blackmail;

(4) 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 serious physical injury, physical restraint, or financial harm; or

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

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

3. The offense of abuse through forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony, or

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1 an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, it shall
2 be punishable for a term of years not less than five years or life and a fine not to exceed two hundred
3 fifty thousand dollars.

4 4. An additional human trafficking fine of five thousand dollars shall be assessed and
5 collected in all cases in which a defendant is found guilty of an offense under this section.

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

13 2. A person who is found guilty of the offense of trafficking for the purposes of slavery,
14 involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender
15 pursuant to the provisions of section 589.400, unless he or she is otherwise required to register
16 pursuant to the provisions of such section.

17 3. Except as provided in subsection 4 of this section, the offense of trafficking for the
18 purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by
19 imprisonment for a term of years not less than five years and not more than twenty years and a fine
20 not to exceed two hundred fifty thousand dollars.

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

26 5. An additional human trafficking fine of five thousand dollars shall be assessed and
27 collected in all cases in which a defendant is found guilty of an offense under this section.

28 566.209. 1. A person commits the crime of trafficking for the purposes of sexual
29 exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises the
30 availability of or obtains by any means, including but not limited to through the use of force,
31 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm,
32 another person for the use or employment of such person in a commercial sex act, sexual conduct, a
33 sexual performance, or the production of explicit sexual material as defined in section 573.010,
34 without his or her consent, or benefits, financially or by receiving anything of value, from
35 participation in such activities.

36 2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by
37 imprisonment for a term of years not less than five years and not more than twenty years and a fine
38 not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by
39 force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a

felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

3. An additional human trafficking fine of five thousand dollars shall be assessed and collected in all cases in which a defendant is found guilty of an offense under this section.

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

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

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

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

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

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

4. An additional human trafficking fine of five thousand dollars shall be assessed and collected in all cases in which a defendant is found guilty of an offense under this section.

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

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

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

(3) Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in

1 section 573.010.

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

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

10 4. An additional human trafficking fine of five thousand dollars shall be assessed and
11 collected in all cases in which a defendant is found guilty of an offense under this section.

12 566.215. 1. A person commits the offense of contributing to human trafficking through the
13 misuse of documentation when he or she knowingly:

14 (1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid
15 passport, government identification document, or other immigration document of another person
16 while committing offenses or with the intent to commit offenses, pursuant to sections 566.203 to
17 566.218; or

18 (2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's
19 ability to move or travel by restricting the proper use of identification, in order to maintain the labor
20 or services of a person who is the victim of an offense committed pursuant to sections 566.203 to
21 566.218.

22 2. A person who is found guilty of the offense of contributing to human trafficking through
23 the misuse of documentation shall not be required to register as a sexual offender pursuant to the
24 provisions of section 589.400, unless he or she is otherwise required to register pursuant to the
25 provisions of such section.

26 3. The offense of contributing to human trafficking through the misuse of documentation is
27 a class E felony.

28 4. An additional human trafficking fine of five thousand dollars shall be assessed and
29 collected in all cases in which a defendant is found guilty of an offense under this section.

30 567.030. 1. A person commits the offense of patronizing prostitution if he or she:

31 (1) Pursuant to a prior understanding, gives something of value to another person as
32 compensation for having engaged in sexual conduct with any person; or

33 (2) Gives or agrees to give something of value to another person with the understanding that
34 such person or another person will engage in sexual conduct with any person; or

35 (3) Solicits or requests another person to engage in sexual conduct with any person in return
36 for something of value.

37 2. It shall not be a defense that the person believed that the individual he or she patronized
38 for prostitution was eighteen years of age or older.

39 3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual

1 who the person patronizes is less than eighteen years of age but older than ~~fourteen~~ fifteen years of
 2 age, in which case patronizing prostitution is a class E felony.

3 4. The offense of patronizing prostitution is a class ~~D~~ B felony if the individual who the
 4 person patronizes is ~~fourteen~~ fifteen years of age or younger. Nothing in this section shall
 5 preclude the prosecution of an individual for the offenses of:

- 6 (1) Statutory rape in the first degree pursuant to section 566.032;
- 7 (2) Statutory rape in the second degree pursuant to section 566.034;
- 8 (3) Statutory sodomy in the first degree pursuant to section 566.062; or
- 9 (4) Statutory sodomy in the second degree pursuant to section 566.064."; and

10
 11 Further amend said bill, Page 19, Section 589.565, Line 19, by inserting after said section and line
 12 the following:

13
 14 "589.700. 1. There is hereby created in the state treasury the "Human Trafficking and
 15 Sexual Exploitation Fund", which shall consist of proceeds from the human trafficking fine
 16 collected for violations of sections 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215. The
 17 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the
 18 state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
 19 appropriation, moneys in this fund shall be distributed to the county where the human trafficking
 20 offense occurred. Upon receipt of moneys from the fund, a county shall allocate the disbursement
 21 as follows:

22 (1) Fifty percent towards local rehabilitation services for victims of human trafficking
 23 including, but not limited to, mental health and substance abuse counseling; general education,
 24 including parenting skills; housing relief; vocational training; and employment counseling; and

25 (2) Fifty percent towards local efforts to prevent human trafficking including, but not
 26 limited to, education programs for persons convicted of human trafficking offenses and increasing
 27 the number of local law enforcement members charged with enforcing human trafficking laws.

28 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
 29 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

30 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are
 31 invested. Any interest and moneys earned on such investments shall be credited to the fund."; and
 32

33 Further amend said bill, Page 21, Section 217.810, Line 89, by inserting after said section and line
 34 the following:

35
 36 "Section B. The enactment of section 589.700 and the repeal and reenactment of sections
 37 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215 of section A of this act shall become
 38 effective only upon the passage and approval by the voters of a constitutional amendment submitted
 39 to them by the general assembly excluding proceeds from penalties and fines collected for human

1 trafficking offenses from required distribution to the schools of the several counties according to
2 law."; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.