

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Bill No. 186,
Page 34, Line 30, by inserting after said line the following:

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

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.206. 1. A person commits the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force,

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1 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm,
2 another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or
3 forced labor, or benefits, financially or by receiving anything of value, from participation in such
4 activities.

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

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

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

18 5. In addition to any fine imposed, the court shall enter a judgment of restitution in the
19 amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking
20 and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of
21 guilt for a violation of this section.

22 566.209. 1. A person commits the crime of trafficking for the purposes of sexual
23 exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises the
24 availability of or obtains by any means, including but not limited to through the use of force,
25 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm,
26 another person for the use or employment of such person in a commercial sex act, sexual conduct, a
27 sexual performance, or the production of explicit sexual material as defined in section 573.010,
28 without his or her consent, or benefits, financially or by receiving anything of value, from
29 participation in such activities.

30 2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by
31 imprisonment for a term of years not less than five years and not more than twenty years and a fine
32 not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by
33 force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a
34 felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to
35 exceed two hundred fifty thousand dollars.

36 3. In addition to any fine imposed, the court shall enter a judgment of restitution in the
37 amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking
38 and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of
39 guilt for a violation of this section.

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

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

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

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

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

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

22 4. In addition to any fine imposed, the court shall enter a judgment of restitution in the
23 amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking
24 and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of
25 guilt for a violation of this section.

26 566.211. 1. A person commits the offense of sexual trafficking of a child in the second
27 degree if he or she knowingly:

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

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

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

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

3. The offense sexual trafficking of a child in the second degree 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 if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

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

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

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

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

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

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section." ; and

Further amend said amendment, Page 49, Line 31, by inserting after said line the following:

"589.700. 1. There is hereby created in the state treasury the "Human Trafficking and Sexual Exploitation Fund", which shall consist of proceeds from the human trafficking restitution collected for violations of sections 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the

1 state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
2 appropriation, moneys in this fund shall be distributed to the county where the human trafficking
3 offense occurred. Upon receipt of moneys from the fund, a county shall allocate the disbursement
4 as follows:

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

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

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

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

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.

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19 THIS AMENDMENT AMENDS 0436H02.17X.