

FIRST REGULAR SESSION

HOUSE BILL NO. 453

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN.

0849H.031

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215, RSMo, and to enact in lieu thereof seven new sections relating to human trafficking, 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- Section A. Sections 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, and 589.700, to read as follows:
- 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

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

16 if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as
17 a class B felony, or an attempt to commit sexual abuse when punishable as a class B felony, or
18 an attempt to kill, it shall be punishable for a term of years not less than five years or life and
19 a fine not to exceed two hundred fifty thousand dollars.

20 **4. In addition to any fine imposed, the court shall enter a judgment of restitution**
21 **in the amount of five thousand dollars in favor of the state of Missouri, payable to the**
22 **human trafficking and sexual exploitation fund established under section 589.700, upon**
23 **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,
2 involuntary servitude, peonage, or forced labor if he or she knowingly recruits, entices,
3 harbors, transports, provides, or obtains by any means, including but not limited to through
4 the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to
5 cause financial harm, another person for labor or services, for the purposes of slavery,
6 involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving
7 anything of value, from participation in such activities.

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

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

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

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

566.209. 1. A person commits the crime of trafficking for the purposes of sexual
2 exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises
3 the availability of or obtains by any means, including but not limited to through the use of
4 force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause
5 financial harm, another person for the use or employment of such person in a commercial sex

6 act, sexual conduct, a sexual performance, or the production of explicit sexual material as
7 defined in section 573.010, without his or her consent, or benefits, financially or by receiving
8 anything of value, from participation in such activities.

9 2. The crime of trafficking for the purposes of sexual exploitation is a felony
10 punishable by imprisonment for a term of years not less than five years and not more than
11 twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of
12 this section was effected by force, abduction, or coercion, the crime of trafficking for the
13 purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not
14 less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

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

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

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

9 (2) Causes a person under the age of twelve to engage in a commercial sex act, a
10 sexual performance, or the production of explicit sexual material as defined in section
11 573.010; or

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

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

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

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

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

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

9 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a
10 sexual performance, or the production of explicit sexual material as defined in section
11 573.010; or

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

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

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

24 **4. In addition to any fine imposed, the court shall enter a judgment of restitution**
25 **in the amount of five thousand dollars in favor of the state of Missouri, payable to the**
26 **human trafficking and sexual exploitation fund established under section 589.700, upon**
27 **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
2 through the misuse of documentation when he or she knowingly:

3 (1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid
4 passport, government identification document, or other immigration document of another
5 person while committing offenses or with the intent to commit offenses, pursuant to sections
6 566.203 to 566.218; or

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

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

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

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

589.700. 1. There is hereby created in the state treasury the "Human
2 **Trafficking and Sexual Exploitation Fund", which shall consist of proceeds from the**
3 **human trafficking restitution collected for violations of sections 566.203, 566.206,**
4 **566.209, 566.210, 566.211, and 566.215. The state treasurer shall be custodian of the**
5 **fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve**
6 **disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in**
7 **this fund shall be distributed to the county where the human trafficking offense**
8 **occurred. Upon receipt of moneys from the fund, a county shall allocate the**
9 **disbursement as follows:**

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

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

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

21 **3. The state treasurer shall invest moneys in the fund in the same manner as**
22 **other funds are invested. Any interest and moneys earned on such investments shall be**
23 **credited to the fund.**