

FIRST REGULAR SESSION

HOUSE BILL NO. 363

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PROUDIE.

1068H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 566.223, RSMo, and to enact in lieu thereof one new section relating to human trafficking.

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

Section A. Section 566.223, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.223, to read as follows:

566.223. 1. Any individual who is alleging that a violation of sections 566.200 to 566.218 and section 578.475 has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

2. It is an affirmative defense for the offense of prostitution under section 567.020 that the defendant engaged in the conduct charged to constitute an offense because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person, which force or threatened force a person of reasonable firmness in his or her situation would have been unable to resist.

3. The department of public safety is authorized to establish procedures for identifying victims of trafficking under sections 566.200 to 566.223. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the children's division of the department of social services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators. **Training under**

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.

18 **this section, when conducted for law enforcement officers, shall include instruction on**
19 **victims' statements in order to assist officers in identifying persons associated with**
20 **human trafficking and human trafficking victims.**

21 4. As soon as possible after a first encounter with a person who reasonably appears to
22 a law enforcement agency to be a victim of trafficking as defined in section 566.200, that
23 agency or office shall notify the department of social services and, where applicable, juvenile
24 justice authorities that the person may be a victim of trafficking, in order that such agencies
25 may determine whether the person may be eligible for state or federal services, programs, or
26 assistance.

27 5. The department of social services may coordinate with relevant state, federal, and
28 local agencies to evaluate appropriate services for victims of trafficking. State agencies may
29 implement programs and enter into contracts with nonprofit agencies, domestic and sexual
30 violence shelters, and other nongovernment organizations to provide services to confirmed
31 victims of trafficking, insofar as funds are available for that purpose. Such services may
32 include, but are not limited to, case management, emergency temporary housing, health care,
33 mental health counseling, alcohol and drug addiction screening and treatment, language
34 interpretation and translation services, English language instruction, job training, and
35 placement assistance.

36 6. A victim of trafficking may bring a civil action against a person or persons who
37 plead guilty to or are found guilty of a violation of section 566.203, 566.206, 566.209,
38 566.210, or 566.211 to recover the actual damages sustained by the victim, court costs,
39 including reasonable attorney's fees, and punitive damages, when determined to be
40 appropriate by the court. Any action commenced under this section shall be filed within
41 ten years after the later of:

- 42 (1) The final order in the related criminal case;
- 43 (2) The victim's emancipation from the defendant; or
- 44 (3) The victim's eighteenth birthday.

45 7. The attorney general may bring a civil action, in the circuit court in which the
46 victim of trafficking was found, to recover from any person or entity that benefits, financially
47 or by receiving anything of value, from violations of section 566.203, 566.206, 566.209,
48 566.210, or 566.211, a civil penalty of not more than fifty thousand dollars for each violation
49 of section 566.203, 566.206, 566.209, 566.210, or 566.211, and injunctive and other equitable
50 relief as the court may, in its discretion, order. The first priority of any money or property
51 collected under such an action shall be to pay restitution to the victims of trafficking on whose
52 behalf the civil action was brought.