

HB 1450 -- PROTECTION OF CHILDREN AND VULNERABLE PERSONS

SPONSOR: Lewis (6)

This bill replaces the term "child pornography" with "child sexual abuse material" throughout statute, but child pornography as it will have existed prior to the effective date of this legislation will still be subject to the provisions of the relevant statutes.

The term "child sexual abuse material" now includes any anatomically correct doll, mannequin, or robot meant to resemble a minor under 18 years of age and intended to be used for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing or causing emotional distress to any person.

The bill also establishes the "Statewide Council Against Adult Trafficking and Commercial Sexual Exploitation of Children" to replace the "Statewide Council on Sex Trafficking and Sexual Exploitation of Children", which expires on December 31, 2023. The new council must be created within 30 days of August 28, 2024, is required to meet at least quarterly, and is within the Office of the Attorney General of Missouri and the Attorney General or his or her designee shall be the chair of the council. The members of the council are specified and include two members of the Senate appointed by the President Pro Tem of the Senate rather than one being appointed by the Minority Floor Leader of the Senate, and the two members of the House of Representatives appointed by the Speaker of the House of Representatives rather than one being appointed by the Minority Floor Leader of the House of Representatives.

The bill creates the "Anti-Trafficking Fund", of which the state Treasurer will be the custodian. Money in the fund will be used solely to pay for the position of the executive director of the statewide council, education and awareness regarding human trafficking, and anti-trafficking efforts throughout the state.

Currently, under certain circumstances, a statement made by a child under the age of 14 or a vulnerable person, or the visual and aural recording of a verbal or nonverbal statement of such child or vulnerable person, is admissible in evidence in criminal proceedings as substantive evidence to prove the truth of the matter asserted. This bill increases the age to a child under the age of 18 and it amends the definition of "vulnerable person" to include a person whose developmental level does not exceed that of an ordinary child of 17 years of age, increased from 14 years of age.

The bill amends Section 537.046, RSMo, to add to the definition of "childhood sexual abuse" the offenses of rape in the second degree, sodomy in the second degree, sexual abuse in the second degree, sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, sexual exploitation of a minor, and child used in a sexual performance. Currently, a person may file a cause of action to recover damages from injury or illness caused by childhood sexual abuse within 10 years of the plaintiff turning 21 years old or within three years of discovering the cause of the injury or illness. This bill increases the time from 10 years to 20 years and adds that a person can file a cause of action to recover damages from injury or illness caused by tortious conduct that caused the victim to be a victim of childhood sexual abuse within 20 years of the plaintiff turning 21 years old or three years of discovering the cause of the injury or illness.

This bill allows a prosecuting or circuit attorney to request assistance from the Attorney General to assist in prosecution of child sex trafficking cases.

The bill specifies that the term of imprisonment for the offense of sexual trafficking of a child in the second degree when it is committed by a parent, legal guardian, or other person having custody or control of a child is "life imprisonment", which, in this instance, means for the duration of the person's natural life.

Any real or personal property that was used, attempted to be used, or intended to be used to commit a certain unlawful sexual offense may be seized and remaining proceeds from the sale of the seized property owned by the defendant will be first allocated to pay an order of restitution to a victim of human trafficking and any remaining funds will be deposited into the Crime Victims' Compensation Fund.

Currently, the offense of patronizing prostitution is a class D felony if the individual the person patronizes is 14 years of age or younger. This bill increases the penalty to a class B felony if the individual the person patronizes is 15 years of age or younger.