

HCS HBs 1706 & 1539 -- PROTECTION OF CHILDREN AND VULNERABLE PERSONS

SPONSOR: Myers

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 21 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by the vote of 9 to 0.

The following is a summary of the House Committee Substitute for HB 1706.

This bill establishes the "Committee on Sex and Human Trafficking Training", which will be composed of six members, including, among others, a representative of the Attorney General's Office, a representative of the Department of Public Safety, and a juvenile officer. The committee must annually evaluate and establish guidelines for required sex and human trafficking training. The committee will dissolve on December 31, 2029.

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. The Attorney General or his or her designee will 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 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 rather than one being appointed by the Minority Floor Leader of the House of Representatives.

The bill creates the "Anti-Trafficking Fund". 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.

The Department of Health and Senior Services will require each EMT, including each paramedic, to receive four hours of sex and human trafficking training as part of continuing education requirements for relicensure every five years. Each registered nurse, licensed practical nurse, advanced practice registered nurse, and juvenile officer must complete one hour of sex and human trafficking training annually. Social workers will be required to complete two

hours of sex and human trafficking training for license renewal. Lastly, each peace officer will be required to receive two hours of sex and human trafficking training within the law enforcement continuing education one-year reporting period.

Currently, under certain circumstances, a statement made by a child under the age of 14 or by a vulnerable person, or the visual and aural recording of a verbal or nonverbal statement of such child or vulnerable person, is admissible into 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.

Currently, a person 21 years old or older commits the offense of enticement of a child if he or she satisfies the elements of the offense and the child is under 15 years old. This bill increases the age of the child to under 17 years old.

The bill also provides that a person who pled guilty to or was found guilty of certain sexual offenses, specified in the bill, will be required to pay \$10,000 in restitution per identified victim and \$2,500 for each county in which the offense or offenses occurred, payable to the State to be deposited into the Human Trafficking and Sexual Exploitation Fund. Upon receipt of money from the Fund, a county must allocate disbursement of the funds according to the requirements in the bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that there is a nonprofit that tracks all the industries that amount to modern day slavery, including escort services and illicit massage services, among about 20 other ones. Adding continuing education for various professionals is important because victims come into contact with these professionals, so the professionals need to have awareness of the issue and the skills to properly address the issue. Currently it's scheduled to sunset, but if it's working, the sunset will be removed; this is just to see whether it works. Texas significantly increased the penalty for patronizing prostitution and it saw the occurrences drop precipitously, so witnesses are hoping to have that happen here. The Fund created is to go to victim services. The restitution will be tied to earned compliance credit. The amount of training each professional needs to complete is tied to how often the professional re-certifies his or her license; it will amount to an hour annually. We have so many professionals in this

field already, but they have never received any training on their jobs as far as working with victims and survivors in the field. One witness shared two example of success stories that professional training led to. Several trafficking victims were rescued. One hour of training annually is not enough but it is a good start. Survivors as advisors should be added to the committee, if possible. It is very normal to have victims/survivors become traffickers. It's called victim strategy. It basically helps them be released from being trafficked. Whether that type of victim is prosecuted as a trafficker is a prosecutorial discretion decision but it is more likely that a prosecutor would treat that person as the main witness for the case as opposed to prosecuting the individual. One witness shared his experience as a person who helped drive the demand of trafficking. He shared his story of redemption and expressed that men like him need to stand up and take responsibility. Many laws are written in such a way that often punish victims and do not place enough responsibility on the people creating the demand.

Testifying in person for the bill were Representative Myers; Neil Getzlow; Dr. Shima Rostami, Gateway Alliance Against Human Trafficking; Missouri Police Chiefs Association; Mo Juvenile Justice Association; Locke Thompson, Missouri Association of Prosecuting Attorneys; Winton Policy Group, Missouri Kids First; and the Fire Service Alliance.

OPPONENTS: Those who oppose the bill say that they oppose the mandatory training required by the bill. The importance of the training is not in dispute; it is just about making this as user friendly as possible and figuring out how not to affect training professionals need to receive in other areas. Five hours for paramedics is a lot, but two hours might be a more manageable amount, or it could be made voluntary. The additional training for registered nurses others could be burdensome and witnesses want to work with the sponsor to address that. Balancing all the necessary and important trainings is the tricky part.

Testifying in person against the bill were Mo Ambulance Assn.; and the Missouri Hospital Association.

OTHERS: Others testifying on the bill say the State Board of Nursing currently does not require continuing education for nurses to be licensed. The Nurses' Association does conduct some continuing education and it works with the Attorney General to provide some trainings.

Testifying in person on the bill was the Mo Nurses Association. Written testimony has been submitted for this bill. The full

written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.