

HB 2911 -- COMMERCIAL SEXUAL EXPLOITATION

SPONSOR: Merideth

This bill repeals the offense of "prostitution" and creates the offense of "commercial sexual exploitation". An individual commits the offense of commercial sexual exploitation if he or she:

(1) Patronizes a person under 18 years old for a commercial sex act. It is not a defense under this bill that the individual believed the person he or she patronized was at least 18 years old. The offense, under this provision, is a class E felony if the person patronized is at least 15 but under 18 years old and a class D felony if the person patronized is 14 years old or younger;

(2) Patronizes any person for a commercial sex act and the person is being compelled to engage in the act. The bill provides an affirmative defense under this provision that the individual had no knowledge that the commercial sex act was being compelled. The offense, under this provision, is a class B misdemeanor;

(3) Knowingly promotes a commercial sex act of a person under 18 years old. This provision will be considered abuse of a child and the abuse must be reported as required by law. The offense, under this provision, is a class D felony if the person being promoted is 16 or 17 years old and a class B felony if the person being promoted is under 16 years old;

(4) Knowingly promotes a commercial sex act by coercing another person to enter into, engage in, or remain in commercial sexual exploitation. The offense, under this provision, is a class B felony; or

(5) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate commercial sexual exploitation that contributed to the offense of trafficking for the purpose of sexual exploitation. The offense, under this provision, is a class A felony.

A person convicted of the offense of commercial sexual exploitation under provision (1) or (2) above will be required to register as a Tier II sex offender. A person convicted of commercial sexual exploitation will be required to register as a Tier III sex offender if he or she:

(1) Is convicted under provision (3) above;

(2) Is convicted under provision (4) or (5) above and the victim was under 18 years old; or

(3) Is convicted under provision (1) or (2) above and the person is a persistent offender.

This bill modifies the current Tier II offense to sexual contact with a prisoner or offender under Section 566.145, RSMo, if the victim is 13 to 17 years of age to sexual contact in the course of public duty under Sections 566.145 if the victim is 13 to 17 years of age.

The bill also repeals in Chapter 567, RSMo, the definitions of "deviate sexual intercourse", "persistent prostitution offender", "prostitution related offense", "sexual conduct", "sexual contact", "sexual intercourse", and "something of value" and creates definitions for the terms "coercion", "commercial sex act", and "sexual activity".