

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 615
103RD GENERAL ASSEMBLY

0601H.04C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 491.075, 492.304, 492.340, 492.350, 492.540, 492.590, 566.151, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 567.030, and 595.045, RSMo, and to enact in lieu thereof seventeen new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 491.075, 492.304, 492.340, 492.350, 492.540, 492.590, 566.151, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 567.030, and 595.045, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 485.160, 491.075, 492.304, 492.340, 492.350, 492.540, 492.590, 566.151, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 567.030, 589.700, and 595.045, to read as follows:

485.160. 1. As used in this section, the following terms mean:

- (1) **"Board"**, the board of certified court reporter examiners as established by supreme court rule 14.01;
- (2) **"Certified court reporter"**, a person who is certified as a court reporter by the board to engage in court reporting;
- (3) **"Court reporting"**, the practice of shorthand reporting for use in litigation in courts of this state by making a verbatim record of a court proceeding, deposition, or proceeding before a grand jury or court commissioner using machine stenography or oral stenography;
- (4) **"Court reporting firm"**, an entity wholly or partly in the business of providing court reporting or other related services in this state. A court reporting firm is considered to be providing court reporting or other related services in this state if:

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.

13 **(a) Any act that constitutes a court reporting service occurs wholly or partly in**
14 **this state;**

15 **(b) The court reporting firm recruits a resident of this state through an**
16 **intermediary located inside or outside of this state to provide court reporting services or**
17 **other related services in this state;**

18 **(c) The court reporting firm contracts with a resident of this state by mail or**
19 **otherwise and either party is to perform court reporting services or other related**
20 **services wholly or partly in this state.**

21 **2. Any person who:**

22 **(1) Undertakes or attempts to undertake the practice of court reporting for**
23 **remuneration without first having procured a license from the board;**

24 **(2) Knowingly presents or files false information with the board for the purpose**
25 **of obtaining a license; or**

26 **(3) Violates this section;**

27

28 **is guilty of a class A misdemeanor. Each day in which a violation occurs is a separate**
29 **offense.**

30 **3. A person who is not licensed shall not bring or maintain an action to recover**
31 **fees for court reporting services that the person performed in violation of this section.**

32 **4. A person shall not assume or use the title or designation "court reporter",**
33 **"court recorder", or "shorthand reporter", or any abbreviation, title, designation,**
34 **words, letters, sign, card, or device tending to indicate that the person is a court**
35 **reporter, court recorder, or shorthand reporter, unless the person is certified as a**
36 **certified court reporter by the board. Nothing in this subsection shall be construed to**
37 **sanction or prohibit the use of electronic recording equipment operated within the**
38 **courtroom according to supreme court rules.**

39 **5. Any person who holds a license as a certified court reporter from the board**
40 **who knowingly signs and affixes his or her signature and license number to a transcript**
41 **for which he or she was not personally present and did not personally report**
42 **stenographically by machine or voice the proceedings reflected in the transcript is guilty**
43 **of a class A misdemeanor. Each transcript violation is a separate offense. Nothing in**
44 **this section shall be construed to sanction or prohibit the transcription methods used in**
45 **conjunction with the use of electronic recording equipment operated within the**
46 **courtroom according to the supreme court rules.**

47 **6. The provisions of subsections 2 to 5 of this section are applicable to a court**
48 **reporting firm. The court may enforce subsections 2 to 5 of this section by assessing a**
49 **reasonable fee against a court reporting firm.**

50 **7. This section shall not apply to court reporting services performed outside of**
51 **this state by a foreign court reporter who is not certified in this state for use in a court**
52 **proceeding in this state, provided that the work resulting from those services is**
53 **produced and billed wholly outside of this state.**

54 **8. A certified court reporter or court reporting firm shall not enter into or**
55 **provide services under any contractual agreement, written or oral, exclusive or**
56 **nonexclusive, that:**

57 **(1) Undermines the impartiality of the certified court reporter or that may result**
58 **in the appearance that the impartiality of the certified court reporter has been**
59 **compromised;**

60 **(2) Requires a certified court reporter to provide any service not made available**
61 **to all parties to an action;**

62 **(3) Gives or appears to give an exclusive advantage to any party to an action;**

63 **(4) Restricts an attorney's choice in the selection of a certified court reporter or**
64 **court reporting firm; or**

65 **(5) Specifies fixed prices to perform court reporting services in two or more**
66 **actions or for future court reporting services whether or not the services are actually**
67 **requested.**

68 **9. The provisions of subdivisions (4) and (5) of subsection 8 of this section shall**
69 **not apply to a contract for court reporting services for a court or agency of this state.**

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; or

9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of ~~fourteen~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an

18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,
19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of ~~fourteen~~ **seventeen** years
32 of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of ~~fourteen who is alleged to be a victim of~~ **eighteen or a vulnerable**
4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~or~~, 568, **or 573, if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 **5. For the purposes of this section, "vulnerable person" shall mean a person**
39 **who, as a result of an inadequately developed or impaired intelligence or a psychiatric**
40 **disorder that materially affects the ability to function, lacks the mental capacity to**
41 **consent, or whose developmental level does not exceed that of an ordinary child of**
42 **seventeen years of age.**

492.340. When the testimony **taken before a certified court reporter** is fully
2 transcribed the deposition shall be submitted to the witness for examination and shall be read
3 to or by him, unless such examination and reading are waived by the witness and by the
4 parties. Any changes in form or substance which the witness desires to make shall be entered
5 upon ~~[the deposition by the officer]~~ **an errata sheet** with a statement of the reasons given by
6 the witness for making them. The deposition shall then be signed by the witness, unless the
7 parties by stipulation waive the signing or the witness is ill or cannot be found, or is dead or
8 refuses to sign. ~~[If the deposition is not signed by the witness, the officer shall sign it and~~
9 ~~state on the record the fact of the waiver or of the illness, or death or absence of the witness or~~
10 ~~the fact of the refusal to sign together with the reason, if any, given therefor, and the~~
11 ~~deposition may then be used as fully as though signed, unless on a motion to suppress the~~
12 ~~court holds that the reasons given for the refusal to sign requires rejection of the deposition in~~
13 ~~whole or in part.]~~

492.350. To every deposition or examination, taken by virtue of sections 492.080 to
2 492.400 shall be appended the certificate of the ~~[person or officer by or]~~ **certified court**
3 **reporter** before whom the same shall be taken, showing that the deposition or examination
4 was **reported stenographically by machine or voice and** reduced to writing in his **or her**

5 presence, and was subscribed and sworn to by the witnesses, and the place at which, and the
6 days, and within the hours, when the same was taken, **and shall include the certified court**
7 **reporter's license number.**

492.540. The ~~[officer taking]~~ **certified court reporter before whom** such
2 depositions **were reported stenographically by machine or voice** shall attach thereto his
3 **or her** certificate, stating the time and place when and where such depositions were taken,
4 that the witnesses were duly sworn as to the truth of their depositions, and that they
5 subscribed the same~~], and shall enclose them, together with the commission and the evidence~~
6 ~~of notice; and the whole, being carefully sealed up, shall be delivered by the officer to the~~
7 ~~recorder of the county in which the suit is pending, or in which the property or matter is~~
8 ~~situate or belongs, to which such depositions relate].~~

492.590. 1. The costs and expenses of depositions, whether originals or copies, or
2 related **certified** court reporter, notarial, or other fees of recording the same, shall be awarded
3 as a judgment in favor of the party or parties requesting the same, and collected in the manner
4 provided by section ~~[514.460]~~ **488.432**. Any party incurring any such costs or expenses may
5 request the taxing of such costs or expenses actually incurred by that party whether or not
6 such depositions were taken at the instance of that party or some other party to the suit or suits
7 ~~]; provided, however, that any judgment awarded for copies of depositions shall be limited to~~
8 ~~the cost of one copy per party, except upon leave of court].~~

9 2. The costs and expenses so incurred shall be certified by the **certified court** reporter
10 ~~[taking]~~ **who reported stenographically by machine or voice** the same and shall be further
11 limited by the court in which the action is pending at the request of either party with said
12 limitation based on:

- 13 (1) The relevancy and probative value of the testimony offered by deponent;
- 14 (2) The time required in the taking of the deposition;
- 15 (3) The reasonableness of the charge made by the **certified court** reporter; **and**
- 16 (4) ~~[The availability of stenographers or shorthand reporters in the area where the~~
17 ~~deposition is taken;~~
- 18 (5) Charges made by other ~~[stenographers or shorthand]~~ **certified court** reporters in
19 the community.

566.151. 1. A person twenty-one years of age or older commits the offense of
2 enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the internet or any electronic communication,
4 any person who is less than ~~[fifteen]~~ **seventeen** years of age for the purpose of engaging in
5 sexual conduct.

6 2. It is not a defense to a prosecution for a violation of this section that the other
7 person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

 566.203. 1. A person commits the offense of abusing an individual through forced
2 labor by knowingly providing or obtaining the labor or services of a person:

3 (1) By causing or threatening to cause serious physical injury to any person;

4 (2) By physically restraining or threatening to physically restrain another person;

5 (3) By blackmail;

6 (4) By means of any scheme, plan, or pattern of behavior intended to cause such
7 person to believe that, if the person does not perform the labor services, the person or another
8 person will suffer serious physical injury, physical restraint, or financial harm; or

9 (5) By means of the abuse or threatened abuse of the law or the legal process.

10 2. A person who is found guilty of the crime of abuse through forced labor shall not
11 be required to register as a sexual offender pursuant to the provisions of section 589.400,
12 unless such person is otherwise required to register pursuant to the provisions of such section.

13 3. The offense of abuse through forced labor is a felony punishable by imprisonment
14 for a term of years not less than five years and not more than twenty years and a fine not to
15 exceed two hundred fifty thousand dollars. If death results from a violation of this section, or
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 ten 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 ten thousand dollars per each identified victim of the offense or**
23 **offenses for which restitution is required under this subsection and two thousand five**
24 **hundred dollars for each county in which such offense or offenses occurred in favor of**
25 **the state of Missouri, payable to the human trafficking and sexual exploitation fund**
26 **established under section 589.700, upon a plea of guilty or a finding of guilt for a**
27 **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 ten thousand dollars per each identified victim of the offense or**
17 **offenses for which restitution is required under this subsection and two thousand five**
18 **hundred dollars for each county in which such offense or offenses occurred in favor of**
19 **the state of Missouri, payable to the human trafficking and sexual exploitation fund**

20 **established under section 589.700, upon a plea of guilty or a finding of guilt for a**
21 **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 ten thousand dollars per each identified victim of the offense or**
26 **offenses for which restitution is required under this subsection and two thousand five**
27 **hundred dollars for each county in which such offense or offenses occurred in favor of**
28 **the state of Missouri, payable to the human trafficking and sexual exploitation fund**
29 **established under section 589.700, upon a plea of guilty or a finding of guilt for a**
30 **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 ten thousand dollars per each identified victim of the offense or**
26 **offenses for which restitution is required under this subsection and two thousand five**
27 **hundred dollars for each county in which such offense or offenses occurred in favor of**
28 **the state of Missouri, payable to the human trafficking and sexual exploitation fund**
29 **established under section 589.700, upon a plea of guilty or a finding of guilt for a**
30 **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 ten thousand dollars per each identified victim of the offense or**
19 **offenses for which restitution is required under this subsection and two thousand five**
20 **hundred dollars for each county in which such offense or offenses occurred in favor of**
21 **the state of Missouri, payable to the human trafficking and sexual exploitation fund**
22 **established under section 589.700, upon a plea of guilty or a finding of guilt for a**
23 **violation of this section.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

21 **5. In addition to any fine imposed, the court shall enter a judgment of restitution**
22 **in the amount of ten thousand dollars per each identified victim of the offense or**
23 **offenses for which restitution is required under this subsection and two thousand five**
24 **hundred dollars for each county in which such offense or offenses occurred in favor of**
25 **the state of Missouri, payable to the human trafficking and sexual exploitation fund**

26 established under section 589.700, upon a plea of guilty or a finding of guilt for a
27 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, 566.215, and 567.030. The state treasurer shall be custodian
5 of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
6 approve disbursements. The fund shall be a dedicated fund and, upon appropriation,
7 moneys in this fund shall be distributed to the county where the human trafficking
8 offense occurred. Upon receipt of moneys from the fund, a county shall allocate the
9 disbursement as follows:

10 (1) Ten thousand dollars per each identified victim of the offense or offenses that
11 occurred in the county toward local rehabilitation services for victims of human
12 trafficking including, but not limited to, mental health and substance abuse counseling;
13 general education, including parenting skills; housing relief; vocational training; and
14 employment counseling; and

15 (2) Two thousand five hundred dollars toward local efforts to prevent human
16 trafficking including, but not limited to, education programs for persons convicted of
17 human trafficking offenses and increasing the number of local law enforcement
18 members charged with enforcing human trafficking laws.

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

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

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs
3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court
9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected
12 by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be
13 collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable
14 to the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available
35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the
39 services to victims fund to the department of public safety.

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to

48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

54 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
55 audit shall include all records associated with crime victims' compensation funds collected,
56 held or disbursed by any state agency.

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[or]~~, D,
61 or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor
62 under Missouri law except for those in chapter 252 relating to fish and game, chapter 302
63 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
64 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to
65 watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations.
66 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
67 such crime victims' compensation judgments in the manner provided by sections 488.010 to
68 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the
69 crime victims' compensation fund.

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment
72 has been entered against a defendant in favor of the state of Missouri in accordance with this
73 section; all payments made on judgments for alcohol-related traffic offenses; and any
74 judgment or portion of a judgment entered but not collected. These records shall be subject to
75 audit by the state auditor. The clerk of each court transmitting such funds shall report
76 separately the amount of dollars collected on judgments entered for alcohol-related traffic
77 offenses from other crime victims' compensation collections or services to victims
78 collections.

79 10. The department of revenue shall maintain records of funds transmitted to the
80 crime victims' compensation fund by each reporting court and collections pursuant to
81 subsection 16 of this section and shall maintain separate records of collection for alcohol-
82 related offenses.

83 11. The state courts administrator shall include in the annual report required by
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general
109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

114 14. All interest earned as a result of investing funds in the crime victims'
115 compensation fund shall be paid into the crime victims' compensation fund and not into the
116 general revenue of this state.

117 15. Any person who knowingly makes a fraudulent claim or false statement in
118 connection with any claim hereunder is guilty of a class A misdemeanor.

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

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