

HCS HB 219 -- THE PROTECTION OF CHILDREN AND VULNERABLE PERSONS

SPONSOR: Lewis

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 16 to 0.

The following is a summary of the House Committee Substitute for HB 219.

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 expired on December 31, 2023. The new council must be created within 30 days of August 28, 2025, is required to meet at least quarterly, and is within the Office of the Attorney General and the Attorney General or his or her designee will be the chair of the council. The members of the council are specified and include a member of the Senate appointed by the President Pro Tem of the Senate and a member of the House of Representatives appointed by the Speaker of the House of Representatives. The Council is also required to have an executive director, who must be appointed by the Attorney General and whose compensation will be set by the Attorney General.

The bill creates the "Anti-Trafficking Fund", of which the State Treasurer will be the custodian and of which the Treasurer is required to approve disbursements as required by the Attorney General. 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 the 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 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 can 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 changes the age of a person upon whom a person commits the offense of sexual trafficking of a child in the first degree from under the age of 12 to under the age of 14. The term of imprisonment for this offense in the first degree remains life imprisonment, but the bill changes the offender's eligibility for probation or parole to thirty years served from the current twenty-five.

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 can 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 Anti-Trafficking 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.

This bill is similar to HB 1450 (2024).

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

PROPOSERS: Supporters say that the reauthorization of the Statewide Council is paramount to ensuring that informed recommendations can continue to be made to lawmakers, as this issue is vastly complex and requires sustained study. Additionally, Missouri is at a crossroads and laws should be modernized to match the ever-changing tactics of traffickers as well as to prioritize victims and their recovery.

Testifying in person for the bill were Representative Lewis; Timothy Faber; Elizabeth Phillips; Grant Boyd; Missouri Network Against Child Abuse; Julie Seymore, The Child Advocacy Center of Northeast Missouri; Missouri Coalition For Children; Kids Win Missouri; Gateway Alliance Against Human Trafficking; Jordan Paige Campbell, Healing Action Network.

OPPOSERS: Those who oppose the bill say that this bill is a duplication of services that are already being provided by the Attorney General as well as State, Federal, and local agencies and nonprofits.

Testifying in person against the bill was Arnie Dienoff.

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.