

HCS HB 1464 -- PROTECTION OF CHILDREN AND VULNERABLE PERSONS
(Lewis)

COMMITTEE OF ORIGIN: Standing Committee on Legislative Review

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 bill also establishes the "Statewide Council Against Adult Trafficking and the 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. The members of the council are specified and include two members of the Senate and two members 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 "Commercial Sexual Exploitation of Children Education and Awareness 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 to pay for the position of the executive director and administrative support for 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.

Currently, any law enforcement agency can provide for the security of witnesses and others in criminal proceedings or investigations. This bill allows any prosecuting attorney's office to provide such security as well. The Department of Public Safety can authorize funds to be disbursed to prosecuting attorneys' offices for such offices to be able to provide security.

This bill provides that a nondisclosure agreement by any party to any child sexual abuse claim is not judicially enforceable in a dispute involving any child sexual abuse claim, and must be null and void; this section will apply to any action commenced on or after August 28, 2025.

Currently, a person can file a cause of action to recover damages from injury or illness caused by sexual exploitation of a minor, the promotion of child sexual abuse material within the first or second degree, or the possession of child sexual abuse material, 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 changes that time frame to 20 years of the plaintiff turning 21 years old.

The bill authorizes a person to file a cause of action to recover damages from injury or illness caused by child sex trafficking within 20 years of the plaintiff turning 21 years old or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by child sex trafficking.

The bill creates a 20-year statute of limitation for prosecution of certain sex and labor trafficking offenses, as described in the bill.

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.

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 30 years served from the current 25.

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. Notwithstanding the above qualification, the term of imprisonment for this offense in the second degree is changed from at least 10

years to at least 15 years, and the bill changes the offender's eligibility for probation or parole to 30 years served rather than the current 25 years served if this offense was effected by force, abduction, or coercion.

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, and a class B misdemeanor unless the individual the person patronizes is under 18 years old but older than age 14. This bill increases the penalty to a class B felony if the individual the person patronizes is 15 years of age or younger and modifies the age range for the misdemeanor to be under 18 years of age but older than 15 years of age.

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.

This bill authorizes a public governmental body to close records that contain individually identifiable information of a minor 17 years and under held by a city, town, village, or park board, except when the records are requested by the Division of Labor Standards within the Department of Labor and Industrial Relations for the purpose of enforcing Chapter 294 RSMo, regarding child labor.

Currently, a person who was convicted of the offense of prostitution who was under the age of 18 at the time of the offense can apply to the appropriate court to have his or her record expunged. This bill repeals the requirement that the person be under the age of 18 at the time of the offense.

This bill is similar to HCS HB 219 (2025) and HB 1450 (2024).