

HCS SS SCS SB 60 -- PROTECTION OF CHILDREN AND VULNERABLE PERSONS

SPONSOR: Carter

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 19 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for SS SCS SB 60.

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, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Floor Leader 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 from 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 14 years of age 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 18 years of age 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 security as well. The Department of Public Safety can authorize funds to be disbursed to prosecuting attorneys' offices for the 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 in 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 12 years of age to under the age of 14 years of age. 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 20 years.

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 14 years of age. 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 bill amends the offense of endangering the welfare of a child in the first degree to include when a person unlawfully manufactures or attempts to manufacture, compounds, possesses, produces, prepares, sells, transports, tests, or analyzes fentanyl or carfentanil or any analogue thereof in the presence of child under 17 years of age or in a residence where a child under 17 years of age resides. If the offense of endangering the welfare of a child in the first degree involves fentanyl or carfentanil or any analogue thereof, it is a class B felony and it carries a minimum prison term of five years.

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 of age or 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 18 years of age 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 18 years of age at the time of the offense.

The provisions of this bill are similar to the Perfected version of HCS HB 1464 (2025).

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

PROPOSERS: Supporters say that this language is in HB 495 and it has been signed by the Governor. Fentanyl is the number one killer of people ages 18 to 45 and we need to do something to bring those numbers down. Hopefully this will de-incentivize individuals from trafficking in fentanyl.

Testifying in person for the bill were Senator Carter and Arnie C. Dienoff.

OPPOSERS: There was no opposition voiced to the committee.

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.