

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 152

AN ACT

To repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, and to enact in lieu thereof four new sections relating to sexual trafficking of a child, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 566.210, 566.211, 566.212, and 566.213, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 566.210, 566.211, 566.212, and 566.213, to read as follows:

566.210. 1. A person commits the offense of sexual trafficking of a child in the first degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; [or]

1 (2) Causes a person under the age of twelve to engage in a
2 commercial sex act, a sexual performance, or the production of
3 explicit sexual material as defined in section 573.010; or

4 (3) Advertises the availability of a person under the age
5 of twelve to participate in a commercial sex act, a sexual
6 performance, or the production of explicit sexual material as
7 defined in section 573.010.

8 2. It shall not be a defense that the defendant believed
9 that the person was twelve years of age or older.

10 3. The offense of sexual trafficking of a child in the
11 first degree is a felony for which the authorized term of
12 imprisonment is life imprisonment without eligibility for
13 probation or parole until the offender has served not less than
14 twenty-five years of such sentence. Subsection 4 of section
15 558.019 shall not apply to the sentence of a person who has been
16 found guilty of sexual trafficking of a child less than twelve
17 years of age, and "life imprisonment" shall mean imprisonment for
18 the duration of a person's natural life for the purposes of this
19 section.

20 566.211. 1. A person commits the offense of sexual
21 trafficking of a child in the second degree if he or she
22 knowingly:

23 (1) Recruits, entices, harbors, transports, provides, or
24 obtains by any means, including but not limited to through the
25 use of force, abduction, coercion, fraud, deception, blackmail,
26 or causing or threatening to cause financial harm, a person under
27 the age of eighteen to participate in a commercial sex act, a
28 sexual performance, or the production of explicit sexual material

1 as defined in section 573.010, or benefits, financially or by
2 receiving anything of value, from participation in such
3 activities; [or]

4 (2) Causes a person under the age of eighteen to engage in
5 a commercial sex act, a sexual performance, or the production of
6 explicit sexual material as defined in section 573.010; or

7 (3) Advertises the availability of a person under the age
8 of eighteen to participate in a commercial sex act, a sexual
9 performance, or the production of explicit sexual material as
10 defined in section 573.010.

11 2. It shall not be a defense that the defendant believed
12 that the person was eighteen years of age or older.

13 3. The offense sexual trafficking of a child in the second
14 degree is a felony punishable by imprisonment for a term of years
15 not less than ten years or life and a fine not to exceed two
16 hundred fifty thousand dollars if the child is under the age of
17 eighteen. If a violation of this section was effected by force,
18 abduction, or coercion, the crime of sexual trafficking of a
19 child shall be a felony for which the authorized term of
20 imprisonment is life imprisonment without eligibility for
21 probation or parole until the defendant has served not less than
22 twenty-five years of such sentence.

23 566.212. 1. A person commits the crime of sexual
24 trafficking of a child if the individual knowingly:

25 (1) Recruits, entices, harbors, transports, provides, or
26 obtains by any means, including but not limited to through the
27 use of force, abduction, coercion, fraud, deception, blackmail,
28 or causing or threatening to cause financial harm, a person under

1 the age of eighteen to participate in a commercial sex act, a
2 sexual performance, or the production of explicit sexual material
3 as defined in section 573.010, or benefits, financially or by
4 receiving anything of value, from participation in such
5 activities; [or]

6 (2) Causes a person under the age of eighteen to engage in
7 a commercial sex act, a sexual performance, or the production of
8 explicit sexual material as defined in section 573.010; or

9 (3) Advertises the availability of a person under the age
10 of eighteen to participate in a commercial sex act, a sexual
11 performance, or the production of explicit sexual material as
12 defined in section 573.010.

13 2. It shall not be a defense that the defendant believed
14 that the person was eighteen years of age or older.

15 3. Sexual trafficking of a child is a felony punishable by
16 imprisonment for a term of years not less than ten years or life
17 and a fine not to exceed two hundred fifty thousand dollars if
18 the child is under the age of eighteen. If a violation of this
19 section was effected by force, abduction, or coercion, the crime
20 of sexual trafficking of a child shall be a felony for which the
21 authorized term of imprisonment is life imprisonment without
22 eligibility for probation or parole until the defendant has
23 served not less than twenty-five years of such sentence.

24 566.213. 1. A person commits the crime of sexual
25 trafficking of a child under the age of twelve if the individual
26 knowingly:

27 (1) Recruits, entices, harbors, transports, provides, or
28 obtains by any means, including but not limited to through the

1 use of force, abduction, coercion, fraud, deception, blackmail,
2 or causing or threatening to cause financial harm, a person under
3 the age of twelve to participate in a commercial sex act, a
4 sexual performance, or the production of explicit sexual material
5 as defined in section 573.010, or benefits, financially or by
6 receiving anything of value, from participation in such
7 activities; [or]

8 (2) Causes a person under the age of twelve to engage in a
9 commercial sex act, a sexual performance, or the production of
10 explicit sexual material as defined in section 573.010; or

11 (3) Advertises the availability of a person under the age
12 of twelve to participate in a commercial sex act, a sexual
13 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
16 that the person was twelve years of age or older.

17 3. Sexual trafficking of a child less than twelve years of
18 age shall be a felony for which the authorized term of
19 imprisonment is life imprisonment without eligibility for
20 probation or parole until the defendant has served not less than
21 twenty-five years of such sentence. Subsection 4 of section
22 558.019 shall not apply to the sentence of a person who has
23 pleaded guilty to or been found guilty of sexual trafficking of a
24 child less than twelve years of age, and "life imprisonment"
25 shall mean imprisonment for the duration of a person's natural
26 life for the purposes of this section.

27 √

1
2
3
4

