

SECOND REGULAR SESSION

# HOUSE BILL NO. 1835

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ADAMS.

4415H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 567.010, RSMo, and to enact in lieu thereof four new sections relating to the offense of prostitution.

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

Section A. Section 567.010, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 567.010, 567.025, 567.026, and 567.125, to read as follows:

567.010. As used in this chapter, the following terms mean:

(1) "Deviate sexual intercourse", any sexual act involving the genitals of one person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(2) "Persistent prostitution offender", a person who has been found guilty of two or more prostitution-related offenses;

(3) "Prostitution-related offense", any violation of state law for prostitution, patronizing prostitution, or promoting prostitution;

(4) "Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact;

(5) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim;

(6) "Sexual intercourse", any penetration, however slight, of the female genitalia by the penis;

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.

18 (7) "Something of value", any money or property, or any token, object or article  
19 exchangeable for money or property;

20 (8) "Trafficking", an offense under sections 566.200 to 566.223;

21 (9) "Victim of trafficking", the same meaning as such term is defined under section  
22 566.200.

**567.025. 1. For an offense committed on or after the effective date of this section,  
2 a person charged with prostitution committed as a direct result of being a victim of  
3 trafficking may assert as an affirmative defense that he or she is a victim of trafficking.  
4 To assert the affirmative defense, the person charged with the offense shall demonstrate  
5 by a preponderance of the evidence that he or she was a victim of trafficking at the time  
6 of the offense. An official determination or documentation is not required to assert the  
7 affirmative defense, but official documentation from a federal, state, local, or tribal  
8 government agency that indicates the defendant was a victim at the time of the offense  
9 creates a presumption that his or her participation in the offense was a direct result of  
10 being a victim.**

**11 2. For an offense committed before the effective date of this section, a person  
12 charged with or convicted of prostitution committed as a direct result of being a victim of  
13 trafficking may apply to the court for an expungement of his or her records pursuant to  
14 section 610.140. An official determination or documentation is not required to grant such  
15 a motion, but official documentation from a federal, state, local, or tribal government  
16 agency that indicates the defendant was a victim at the time of the offense creates a  
17 presumption that his or her participation in the offense was a direct result of being a  
18 victim.**

**19 3. At the request of a person who is asserting the affirmative defense, the court  
20 may, at any time, issue a protective order concerning protecting the confidentiality of such  
21 person.**

**567.026. A minor who is suspected of committing the offense of prostitution under  
2 section 567.020 is immune from criminal prosecution. Law enforcement shall take the  
3 minor into temporary protective custody under section 210.125 as an abused child. The  
4 department of social services shall immediately conduct a health, risk, and safety  
5 assessment of the minor and provide services appropriate to that minor's status as a victim  
6 of trafficking.**

**567.125. 1. No prosecutor shall make prostitution a felony offense if at the time of  
2 the crime the offender was under the control of an agent.**

**3 2. For a charge of felony prostitution committed before the effective date of this  
4 section, the offender may request a court hearing to determine whether such prostitution**

5 charge may be expunged because he or she was acting under the authority of an agent at  
6 the time of the offense.

7 3. As used in this section, "agent" means a person who solicits customers for a  
8 prostitute, usually in return for a share of the earnings.

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