

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Missouri’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Missouri’s trafficking law could apply to buyers of commercial sex with minors based on the term “causes.” Pursuant to Mo. Rev. Stat. § 566.211(1) (Sexual trafficking of a child – Penalty),

- A person commits the offense of sexual trafficking of a child in the second 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 eighteen to participate in a commercial sex act,¹ a sexual performance, or the production of explicit sexual material as defined in section 573.010 [Definitions], or benefits, financially or by receiving anything of value, from participation in such activities;
 - (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or
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Similarly, Mo. Rev. Stat. § 566.210(1) (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty) states,

- 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

¹ Mo. Rev. Stat. § 566.200(5) (Definitions) defines “commercial sex act” as “any sex act on account of which anything of value is given to, promised, or received by any person.”

performance, or the production of explicit sexual material as defined in section 573.010 [Definitions], or benefits, financially or by receiving anything of value, from participation in such activities;
(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or
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Further, following federal precedent, Mo. Rev. Stat. § 566.211(1) and Mo. Rev. Stat. § 566.210(1) could apply to buyers based on the term “obtains.”²

However, to ensure buyers are held accountable as sex trafficking offenders, the trafficking law should be amended to expressly apply to persons who “patronize” a minor for commercial sex.

- 1.1.1 Recommendation: Amend Mo. Rev. Stat. § 566.211(1) (Sexual trafficking of a child – Penalty) and Mo. Rev. Stat. § 566.210(1) (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty) to clarify that buyer conduct is included as a violation of Mo. Rev. Stat. § 566.211 and Mo. Rev. Stat. § 566.210.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Missouri law criminalizes both purchasing and soliciting commercial sex with a minor. Specifically, Mo. Rev. Stat. § 567.030(1) (Patronizing prostitution – Penalty) states,

A person commits the offense of patronizing prostitution if he or she:

- (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
- (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
- (3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

² See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” *Id.* at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Missouri’s CSEC laws apply to traffickers who commercially sexually exploit children. Pursuant to Mo. Rev. Stat. § 567.050(1) (Promoting prostitution in the first degree),

A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

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- (2) Promotes prostitution of a person less than sixteen years of age; or
- (3) Owns, manages, or operates an interactive computer service,³ or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another

When the victim is an older minor or the trafficker manages either a “house of prostitution” or an enterprise involved in the exploitation, Mo. Rev. Stat. § 567.060 (Promoting prostitution in the second degree) provides,

A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

- (1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; or
- (2) Promotes prostitution of a person sixteen or seventeen years of age.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Missouri law prohibits a mistake of age defense in prosecutions for child sex trafficking and CSEC. Pursuant to Mo. Rev. Stat. § 566.211(2) (Sexual trafficking of a child – Penalty), “It shall not be a defense that the defendant believed that the person was eighteen years of age or older.” Similarly, Mo. Rev. Stat. § 566.210(2) (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty) states, “It shall not be a defense that the defendant believed that the person was twelve years of age or older.” Lastly, Mo. Rev. Stat. § 567.030(2) (Patronizing prostitution – Penalty) states, “It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.”

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although state trafficking laws do not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Missouri’s criminal attempt statute, Mo. Rev. Stat. § 564.011 (Attempt), could provide prosecutors with an alternative avenue to prosecute those cases. Mo. Rev. Stat. § 564.011 states,

- 1. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he does any act which is a substantial step towards the commission of the offense. A “substantial step” is conduct which is strongly corroborative of the firmness of the actor’s purpose to complete the commission of the offense.

³ Mo. Rev. Stat. § 567.050(1)(3) defines “interactive computer service” as “any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.”

2. It is no defense to a prosecution under this section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Missouri’s trafficking laws do not expressly allow for business entity liability.

- 1.6.1 Recommendation: Ensure business entities can be held liable under state trafficking laws and establish a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.⁴

⁴ Regarding asset forfeiture, Mo. Rev. Stat. § 513.607(1) (Property subject to forfeiture) states that “All property of every kind, including cash or other negotiable instruments, used or intended for use in the course of, derived from, or realized through criminal activity is subject to civil forfeiture.” Mo. Rev. Stat. § 513.605(3) (Definitions) defines “criminal activity” as

the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the following Missouri laws:

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- (c) Chapter 566, relating to sexual offenses;
- (d) Chapter 568, relating to offenses against the family;
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- (g) Chapter 567, relating to prostitution;
- (h) Chapter 573, relating to pornography and related offenses;
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Disposition of forfeited property is governed by Mo. Rev. Stat. § 513.623 (Disposition of proceeds after sale), which states, “The clear proceeds of any sale or disposition after satisfaction of the interest of any innocent party and after payment of the reasonable costs of the CAFA proceeding, including reasonable storage costs as assessed by the court, if any, shall be distributed pursuant to section 7 of article IX of the Constitution of the state of Missouri.”

Section 7 of article IX of the Constitution of the state of Missouri (County and township school funds – Liquidation and reinvestment – Optional distribution on liquidation – Annual distribution of income and receipts) states,

All real estate, loans, and investments now belonging to the various county and township school funds, except those invested as hereinafter provided, shall be liquidated without extension of time, and the proceeds thereof and the money on hand now belonging to said school funds of the several counties and the city of St. Louis, shall be reinvested in registered bonds of the United States, or in bonds of the state or in approved bonds of any city or school district thereof, or in bonds or other securities the payment of which are fully guaranteed by the United States, and sacredly preserved as a county school fund. Any county or the city of St. Louis by a majority vote of the qualified

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund.

electors voting thereon may elect to distribute annually to its schools the proceeds of the liquidated school fund, at the time and in the manner prescribed by law. All interest accruing from investment of the county school fund, the clear proceeds of all penalties, forfeitures and fines collected hereafter for any breach of the penal laws of the state, the net proceeds from the sale of estrays, and all other moneys coming into said funds shall be distributed annually to the schools of the several counties according to law.

However, state asset forfeiture laws do not direct a percentage of a sex trafficking or CSEC offender's forfeited assets into a victim services fund.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Mo. Rev. Stat. § 566.200(16) (Definitions) defines “victim of trafficking” as “a person who is a victim of offenses under section . . . 566.212 [transferred to § 566.211 (Sexual trafficking of a child – Penalty)], or 566.213 [transferred to § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty)].

Neither Mo. Rev. Stat. § 566.211 nor Mo. Rev. Stat. § 566.210 require third party control because they can apply directly to buyers of commercial sex with minors based on the term “causes.”⁵ Accordingly, third party control is not required to establish the crime of child sex trafficking or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Missouri law does not require the development of policy guidance to facilitate appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Enact a law requiring the development of policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Missouri law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Missouri law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

⁵ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Mo. Rev. Stat. § 566.211 and Mo. Rev. Stat. § 566.210.

- 2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses.

Missouri law fails to prohibit the criminalization of minors for prostitution offenses. Although the core prostitution offense, Mo. Rev. Stat. § 567.020 (Prostitution), acknowledges trafficking victimization as a mitigating factor, the statute applies equally to minors and adults, stating

1. A person commits the offense of prostitution if he or she engages in or offers to engage or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.
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5. In addition to the affirmative defense provided in subsection 2 or section 566.223⁶ [Federal Trafficking Victims Protection Act of 2000 to apply, when – Affirmative defense – Procedures to identify victims, training on protocols], it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the coercion, as defined in section 566.200 [Definitions], of an agent at the time of the offense charged. In such cases where the defendant was under the age of eighteen, the defendant shall be classified as a victim of abuse, as defined in section 210.110 [Definitions], and such abuse shall be reported, as required under section 210.115 [Reports of abuse, neglect, and under age eighteen deaths – Persons required to report – Supervisors and administrators not to impede reporting – Deaths required to be reported to the division or child fatality review panel, when – Report made to another state, when].

While minors may assert an affirmative defense in a prosecution for an offense under Mo. Rev. Stat. § 567.020(5) and Mo. Rev. Stat. § 566.223(2), Missouri law does not prevent minors from being arrested, detained, charged, or prosecuted for prostitution.

- 2.5.1 Recommendation: Amend state law to prohibit the criminalization of minors for prostitution offenses.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Missouri law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

⁶ Mo. Rev. Stat. § 566.223(2) states,

It shall be an affirmative defense for the offense of prostitution under section 567.020 that the defendant engaged in the conduct charged to constitute an offense because he or she was coerced to do so by the use of, threatened use of, unlawful physical force upon himself or herself or a third person, which force or threatened force a person of reasonable firmness in his or her situation would have been unable to resist.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Missouri law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

2.7.1 Recommendation: Enact a law that prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Missouri law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Missouri law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Missouri law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute does not establish a minimum age for juvenile court jurisdiction, permits direct file in cases in which the minor has been previously certified as an adult or charged with an offense while under the extended jurisdiction of the juvenile court, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age for Juvenile Court Jurisdiction	Maximum Age for Charging a Minor in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Child” is defined as, “any person under eighteen years of age.”	17	Yes. Minors: (1) who have been certified as an adult in a previous matter; or (2) who commit a subsequent offense following adjudication under continued jurisdiction in a prior matter.	Yes. Minors who are 12+ years of age charged with a felony (a transfer hearing is required for certain offenses).	No. However, the court must consider the child’s environmental situation and emotional condition.
Relevant Statute(s)	Mo. Rev. Stat. § 211.021(2) (Definitions)	Mo. Rev. Stat. § 211.031(3) (Juvenile court to	Mo. Rev. Stat. § 211.034 (Extension of juvenile court	Mo. Rev. Stat. § 211.071(1) (Certification of	Mo. Rev. Stat. § 211.071(6)(1)–(10) (Certification

		have exclusive jurisdiction, when – Exceptions – Home schooling, attendance violations, how treated)	jurisdiction permitted, when – Procedure – Immunity from liability for certain persons, when – Expiration date); Mo. Rev. Stat. § 211.071(2), (10) (Certification of juvenile for trial as adult – Procedure – Mandatory hearing, certain offenses; Misrepresentation of age, effect)	juvenile for trial as adult – Procedure – Mandatory hearing, certain offenses; Misrepresentation of age, effect)	of juvenile for trial as adult – Procedure – Mandatory hearing, certain offenses; Misrepresentation of age, effect)
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Consequently, some minors may still be subject to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allow some juvenile cases to be subject to directly file in criminal court; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Missouri law clearly defines “abuse” to include child sex trafficking.⁷ Specifically, Mo. Rev. Stat. § 210.110(1) (Definitions) defines “abuse” as follows:

[A]ny physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10) [Trafficking Victims Protection Act; Definitions].

⁷ Similarly, Mo. Rev. Stat. § 210.110(12) defines “neglect” to include “Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10).”

EXTRA CREDIT



Child labor trafficking is included in the definition of “abuse” under Mo. Rev. Stat. § 210.110(1), which expressly includes victims of “severe forms of trafficking.” 22 U.S.C. §7102 defines “severe forms of trafficking” to include “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

Policy Goal 2.11 State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Missouri’s child welfare code clearly provides access to child welfare services for child sex trafficking victims regardless of parent or caregiver fault, but it does not outline a child sex trafficking specific protocol for responding to non-familial sex trafficking cases. The definition of “abuse” under Mo. Rev. Stat. § 210.110(1) (Definitions) applies to “any victims of sex trafficking or severe forms of trafficking,” and Mo. Rev. Stat. § 660.525 (Treatment for child sexual abuse victims provided by division, when) states,

The children’s division may provide treatment services for child sexual abuse victims in instances where the perpetrator is not listed in section 210.110 as a person responsible for the care, custody and control of the child, if treatment funds are available and such treatment services are requested by the family of the child.

However, no alternative response is statutorily provided for all children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker.⁸

- 2.11.1 Recommendation: Strengthen existing law to statutorily outline a child sex trafficking-specific protocol for responding to all non-familial child sex trafficking cases without hinging on caregiver fault.

⁸ Additionally, reporting requirements for mandatory reporters under Mo. Stat. Ann. § 210.115(1) (Reports of abuse, neglect, and under age eighteen deaths – Persons required to report – Supervisors and administrators not to impede reporting – Deaths required to be reported to the division or child fatality review panel, when – Report made to another state, when) provide, “As used in this section, the term “abuse” is not limited to abuse inflicted by a person responsible for the child’s care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.”



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

Missouri law allows for the coordination of specialized services for child sex trafficking victims through a non-punitive avenue but does not mandate access to those services. Under Mo. Rev. Stat. § 566.223(4) (Federal Trafficking Victims Protection Act of 2000 to apply, when – affirmative defense – procedures to identify victims, training on protocols), law enforcement must report suspected cases of child sex trafficking to the department of social services and the department of juvenile justice. In turn, those agencies may assess the child for services and assistance. Specifically, Mo. Rev. Stat. § 566.223(4), (5) states,

4. As soon as possible after a first encounter with a person who reasonably appears to a law enforcement agency to be a victim of trafficking as defined in section 566.200 [Definitions], that agency or office shall notify the department of social services and, where applicable, juvenile justice authorities, that the person may be a victim of trafficking, in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance.

5. The department of social services may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking. State agencies may implement programs and enter into contracts with nonprofit agencies, domestic and sexual violence shelters, and other nongovernment organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. Such services may include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, alcohol and drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training, and placement assistance.

Further, Mo. Rev. Stat. § 567.020(5) (Prostitution) states that a minor who has engaged in commercial sex in violation of the prostitution law “shall be classified as a victim of abuse, as defined under section 210.110 [Definitions], and such abuse shall be reported, as required under 210.115 [Reports of abuse, neglect, and under age eighteen deaths].”

- 3.1.1 Recommendation: Strengthen existing law to mandate access to specialized services through a non-punitive system for all child sex trafficking victims.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing child sexual abuse MDT, Missouri law does not require an MDT response to child sex trafficking cases. Under Mo. Rev. Stat. § 660.520(1) (State technical assistance team for child sexual abuse cases),

There is hereby established in the department of social services a special team, to be known as the “state technical assistance team”, to assist in cases of child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality. It shall be the priority of the team to focus on those cases in which more than one report has been received. The team shall:

- (1) Provide assistance, expertise, and training to child protection agencies and multidisciplinary teams for the investigation and prosecution of child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality cases;

- (2) Assist in the investigation of child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality cases, upon the request of a local, county, state, or federal law enforcement agency, county, state, or federal prosecutor, a representative of the family courts, medical examiner, coroner, juvenile officer, or department of social services staff. Upon being requested to assist in an investigation, the state technical assistance team shall notify appropriate parties specified in this subdivision of the team's involvement. State technical assistance team investigators licensed as peace officers by the director of the department of public safety pursuant to chapter 590 shall be deemed to be peace officers within the state of Missouri while acting in an investigation or on behalf of a child. The power of arrest of a state technical assistance team investigator acting as a peace officer shall be limited to offenses involving child abuse, child neglect, child sexual abuse, child exploitation, child pornography, child fatality, or in situations of imminent danger to the investigator or another person;
- (3) Assist county multidisciplinary teams to develop and implement protocols for the investigation and prosecution of child abuse, child neglect, child sexual abuse, child exploitation, child pornography, or child fatality cases.

Development of the MDT is governed by Mo. Rev. Stat. § 660.520(3), which states,

Each county may develop a multidisciplinary team for the purpose of determining the appropriate investigative and therapeutic action The multidisciplinary team may include, but is not limited to, a prosecutor, or his or her representative, an investigator from the children's division, a physician, a representative from a mental health care services agency and a representative of the police agency of primary jurisdiction.

- 3.2.1 Recommendation: Enact legislation requiring a multi-disciplinary team response specific to child sex trafficking victims.

Policy Goal 3.3 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Missouri law allows for the coordination of specialized services for identified sex trafficked children and youth in the juvenile justice system but does not mandate access to those services. Under Mo. Rev. Stat. § 566.223(4) (Federal Trafficking Victims Protection Act of 2000 to apply, when – Affirmative defense – Procedures to identify victims, training on protocols), law enforcement must report suspected cases of child sex trafficking to the department of social services and the department of juvenile justice. In turn, those agencies may assess the child for services and assistance, but the provision of specialized services is not required. Specifically, Mo. Rev. Stat. § 566.223(4), (5) states,

4. As soon as possible after a first encounter with a person who reasonably appears to a law enforcement agency to be a victim of trafficking as defined in section 566.200 [Definitions], that agency or office shall notify the department of social services and, where applicable, juvenile justice authorities, that the person may be a victim of trafficking, in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance.
5. The department of social services⁹ may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking. State agencies may implement programs and enter into contracts with nonprofit agencies, domestic and sexual violence shelters, and other nongovernment

⁹ The Division of Youth Services, which is tasked with providing care and treatment to children in its custody, is a program division within the Department of Social Services. Accordingly, the Division of Youth Services would be the entity tasked with serving children in the juvenile justice system. For more information, see Missouri <https://dss.mo.gov/dssdiv.htm>.

organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. Such services may include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, alcohol and drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training, and placement assistance.

- 3.3.1 Recommendation: Strengthen existing law to mandate access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

Policy Goal 3.4 State law extends foster care services to older foster youth.

Missouri law extends foster care services to youth under 21 years of age. However, these services are not extended to youth under 23 years of age as permitted under federal law.¹⁰ Mo. Rev. Stat. § 211.036(3) (Custody of released child may be returned to division of family services, when – Filing of petition – Factors for court’s consideration – Termination of care – Guardian ad litem – Review hearings) defines “youth” as “any person eighteen years of age or older and under twenty-one years of age who was in the custody of the children’s division in foster care at any time in the two-year period preceding the youth’s eighteenth birthday.”

Under Mo. Rev. Stat. § 211.036(1) voluntary foster care custody can be extended by a petition to the court “[i]f a youth under the age of twenty-one is released from the custody of the children’s division and after such release it appears that it would be in such youth’s best interest to have his or her custody returned to the children’s division . . .”¹¹

Additionally, Mo. Rev. Stat. § 173.270(a) (Foster care or residential care students, waiver of tuition and fees, when) provides access to tuition and fee waivers for undergraduate education to individuals who “[have] been in foster care or other residential care under the department of social services on or after . . . [t]he day preceding the student’s eighteenth birthday.” Despite being available to transition age foster youth, this would not qualify as an extension of foster care services.

- 3.4.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

Policy Goal 3.5 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Missouri state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.5.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.

¹⁰ For more information, see Shared Hope Int’l, *Issue Brief 3.4: Continuum of Care*, https://sharedhope.org/wp-content/uploads/2020/12/SH_Issue-Brief-3.4_2020.pdf (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

¹¹ However, under Mo. Rev. Stat. § 211.036(1), “[t]he court shall not return a youth to the custody of the children’s division who has been committed to the custody of another agency; who is under a legal guardianship; or who has pled guilty to or been found guilty of a felony criminal offense.”

Policy Goal 3.6 State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Missouri state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved with state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

While civil orders of protection exist under Missouri law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Enact legislation expressly allowing victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

Policy Goal 4.2 Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Missouri's crime victims' compensation laws exempt victims of child sex trafficking, but not CSEC, from some, but not all, ineligibility factors, leaving some commercially sexually exploited children without access to an award.

For purposes of accessing crime victims' compensation, Mo. Rev. Stat. § 595.010(28) (Definitions) defines "victims" as "a person who suffers personal injury or death as a direct result of a crime" "Crime" is defined under Mo. Rev. Stat. § 595.010(5) as "an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim"

Despite this broad definition, certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to Mo. Rev. Stat. § 595.025(2) (Claims, filing and hearing), "A claim shall be filed not later than two years after the occurrence of the crime or the discovery of the crime upon which it is based."

Further, Mo. Rev. Stat. § 595.015(4) (Compensation claims) requires "[t]he claimant, victim or dependent [to] cooperate with law enforcement officials in the apprehension of the offender in order to be eligible, or the department has found that the failure to cooperate was for good cause."¹²

In addition, compensation may be reduced or denied if the department determines that the injury arose from the consent of the victim; Mo. Rev. Stat. § 595.035(3) (Award standards to be established) states,

In determining the amount of compensation payable, the department of public safety shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether

Notably, Missouri law carves out an exception to reporting requirements. Because the exception is offense-specific, however, only victims of trafficking, not CSEC, will be protected. Under Mo. Rev. Stat. § 595.030(1) (Compensation),

¹² Mo. Rev. Stat. § 595.015 does not explain what constitutes "good cause" for purposes of this section.

No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal injury¹³ to, or the death of, the victim, and that police, court, or other official records show that such crime was reported to the proper authorities. In lieu of other records the claimant may provide a sworn statement by the applicant under paragraph (c) of subdivision (2) of section 589.663 [Program created, purpose, procedures] that the applicant has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further violent acts from his or her assailant. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family

Because child sex trafficking and CSEC victims are not expressly exempt from the other ineligibility factors noted above, however, some commercially sexually exploited children may not have access to an award.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims' compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Although Missouri law allows child sex trafficking victims to vacate delinquency adjudications, vacatur is unavailable for criminal convictions arising from trafficking victimization, leaving sex trafficked youth without access to this important form of relief. Pursuant to Mo. Rev. Stat. § 610.131 (Expungement of juvenile prostitution records involving coercion),

1. Notwithstanding the provisions of section 610.140 [Expungement of certain criminal records, petition, contents, procedure] to the contrary, a person who at the time of the offense was under the age of eighteen, and has pleaded guilty or has been convicted for the offense of prostitution under section 567.020 [Prostitution] may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines that such person was under the age of eighteen or was acting under the coercion, as defined in section 566.200 [Definitions], of an agent when committing the offense that resulted in a plea of guilty or conviction under section 567.020 [Prostitution], the court shall enter an order of expungement.
2. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

Further, Mo. Rev. Stat. § 610.131 applies only to prostitution offenses, which fails to recognize the array of crimes trafficking victims are charged with and leaves many survivors without any avenue for relief.

¹³ Mo. Rev. Stat. § 595.010(1)(23) defines "personal injury" as "physical, emotional, or mental harm or trauma resulting from the crime upon which the claim is based."

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Restitution is mandatory in cases involving child sex trafficking but not CSEC. Under Mo. Rev. Stat. § 566.218 (Restitution required for certain offenders),

Notwithstanding sections 557.011 [Authorized dispositions], 558.019 [Prior felony convictions, minimum prison terms – Prison commitment defined – Dangerous felony, minimum term prison term, how calculated – Sentencing – Commission created, members, duties – Expenses – Cooperation with commission – Restorative justice methods – Restitution fund], and 559.021 [Conditions of probation – Compensation of victims – Free work, public or charitable – Defendant not an employee for workers’ compensation purposes – Payment to county restitution fund, when], a person found guilty of violating any provisions of section 566.203 [Abusing an individual through forced labor – Penalty], 566.206 [Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor – penalty], 566.209 [Trafficking for the purpose of sexual exploitation – Penalty], 566.210 [Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty], 566.211 [Sexual trafficking of a child – Penalty], 566.212 [Sexual trafficking of a child – Penalty (transferred)], 566.213 [Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty (transferred)], or 566.215 [Contributing to human trafficking – Penalty] shall be ordered by the sentencing court to pay restitution to the victim of the offense regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum restitution ordered by the court shall be in the amount determined by the court necessary to compensate the victim for the value of the victim’s labor and/or for the mental and physical rehabilitation of the victim and any child of the victim.

Restitution is available more generally to victims of other crimes pursuant to Mo. Rev. Stat. § 559.105 (Restitution may be ordered, when – Limitation on release from probation – Amount of restitution); however, restitution under Mo. Rev. Stat. § 559.105 is discretionary. Mo. Rev. Stat. § 559.105 states,

1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim’s losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim’s reasonable expenses to participate in the prosecution of the crime.
2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.
3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The parole board shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.
4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate’s account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney

- 4.4.1 Recommendation: Statutorily mandate restitution in CSEC cases.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Missouri law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Mo. Rev. Stat. § 566.223(6) (Federal Trafficking Victims Protection Act of 2000 to apply, when) states,

A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of section 566.203 [Abusing an individual through forced labor – Penalty], 566.206 [Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor – Penalty], 566.209 [Trafficking for the purpose of sexual exploitation – Penalty], 566.212 [transferred to § 566.211 (Sexual trafficking of a child – Penalty)], or 566.213 [transferred to § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty)] to recover the actual damages sustained by the victim, court costs, including reasonable attorney’s fees, and punitive damages, when determined to be appropriate by the court. Any action commenced under this section shall be filed within ten years after the later of:

- (1) The final order in the related criminal case;
- (2) The victim’s emancipation from the defendant; or
- (3) The victim’s eighteenth birthday.

Further, Mo. Rev. Stat. § 566.223(7) permits the attorney general to

bring a civil action, in the circuit court in which the victim of trafficking was found, to recover from any person or entity that benefits, financially or by receiving anything of value, from violations of section 566.203, 566.206, 566.209, 566.212, or 566.213, a civil penalty of not more than fifty thousand dollars for each violation of section 566.203, 566.206, 566.209, 566.212, or 566.213, and injunctive and other equitable relief as the court may, in its discretion, order. The first priority of any money or property collected under such an action shall be to pay restitution to the victims of trafficking on whose behalf the civil action was brought.

EXTRA CREDIT



Missouri law provides sex trafficked youth with a trafficking-specific civil remedy under Mo. Rev. Stat. § 566.223(6), which applies broadly to all cases involving sex trafficking regardless of the victim’s age.



Missouri law provides child labor trafficking victims with a trafficking-specific civil remedy under Mo. Rev. Stat. § 566.223(6), which applies broadly to cases involving trafficking, including both sex and labor trafficking.

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Prosecutions for child sex trafficking and CSEC offenses may commence at any time; however, the statute of limitation for trafficking-specific civil actions is only lengthened, not eliminated. Specifically, Mo. Rev. Stat.

§ 556.037 (Time limitations for prosecutions for sexual offenses involving a person under eighteen) eliminates the criminal statutes of limitation for offenses that require registration as a sex offender, which include child sex trafficking and CSEC offenses;¹⁴ it provides,

1. Notwithstanding the provisions of section 556.036 [Time limitations], prosecutions for unlawful sexual offenses involving a person eighteen years of age or under may be commenced at any time.
2. For purposes of this section, “sexual offenses” include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425 [Registration of offenders].

Otherwise, Mo. Rev. Stat. § 556.036(2)(1) (Time limitations) establishes a general 3-year statute of limitation for felonies.

Regarding civil actions, Mo. Rev. Stat. § 566.223(6) (Federal Trafficking Victims Protection Act of 2000 to apply, when) provides,

A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of section 566.203 [Abusing an individual through forced labor – Penalty], 566.206 [Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor – Penalty], 566.209 [Trafficking for the purpose of sexual exploitation – Penalty], 566.212 [transferred to § 566.211 (Sexual trafficking of a child – Penalty)], or 566.213 [transferred to § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty)] to recover the actual damages sustained by the victim, court costs, including reasonable attorney’s fees, and punitive damages, when determined to be appropriate by the court. Any action commenced under this section shall be filed within ten years after the later of:

- (1) The final order in the related criminal case;
- (2) The victim’s emancipation from the defendant; or

¹⁴ Pursuant to Mo. Rev. Stat. § 589.414(6), (7) (Registrant’s duties on change of address – Time limitation for certain notifications – Change in online identifiers, duty to report),

6. . . . Tier II sexual offenders include:

- (1) Any offender who has been adjudicated for the offense of:

....

- (i) Patronizing prostitution under section 567.030;

....

....

7. . . . Tier III sexual offenders include:

....

- (2) Any offender who has been adjudicated for the crime of:

....

- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;

- (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;

- (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;

- (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;

- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;

- (x) Sexual trafficking of a child in the first degree under section 566.210;

- (y) Sexual trafficking of a child in the second degree under section 566.211;

....

- (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;

(3) The victim's eighteenth birthday.

4.6.1 Recommendation: Eliminate the civil statute of limitation for all cases involving child sex trafficking.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Missouri law allows out-of-court statements made by a commercially sexually exploited child under 14 years of age to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony. Specifically, Mo. Rev. Stat. Ann. § 491.075(1), (2) (Statement of child under fourteen or vulnerable person admissible, when) states,

1. A statement made by a child under the age of fourteen . . . relating to an offense under chapter 565 [Offenses against the person], 566 [Sexual offenses], 568 [Offenses against the family] or 573 [Pornography and related offenses], performed by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:
 - (1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and
 - (2)
 - (a) The child . . . testifies at the proceedings; or
 - (b) The child . . . is unavailable as a witness; or
 - (c) The child . . . is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child . . . unavailable as a witness at the time of the criminal proceeding.
2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of fourteen . . . who is alleged to be victim of an offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement, admission or confession regardless of whether or not the child . . . is available to testify regarding the offense.

Both of Missouri's child sex trafficking offenses, Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child – Penalty) and Mo. Rev. Stat. § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty) are codified under Chapter 566 (Sexual offenses), making the hearsay exception provided for under Mo. Rev. Stat. Ann. § 491.075 applicable to victims of these crimes. However, child victims who are 14 years of age or older are not protected by this hearsay exception, thereby increasing their risk of re-traumatization from testifying.

- 5.1.1 Recommendation: Amend Mo. Rev. Stat. Ann. § 491.075 (Statement of child under fourteen or vulnerable person admissible, when) to extend the hearsay exception to any case involving the commercial sexual exploitation of children under 18 years of age.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Missouri law provides commercially sexually exploited children with an alternative to live, in-court testimony. Specifically, Mo. Rev. Stat. Ann. § 491.680(1)–(3) (Court may order video recording of alleged child victim, when – Procedure – Transcript – Exclusion of defendant from proceedings, opportunity to review – Cross-examination) allows for the admission of a videotaped deposition in lieu of a child victim's live testimony, stating,

1. In any criminal prosecution under the provisions of chapter 565 [Offenses against the person], 566 [Sexual offenses], or 568 [Offenses against the family] involving an alleged child victim, upon the motion of the prosecuting attorney, the court may order that an in-camera videotaped deposition of the testimony of the alleged child victim be made for use as substantive evidence at preliminary hearings and at trial.
2. If the court finds, at a hearing, that significant emotional or psychological trauma to the child which would result from testifying in the personal presence of the defendant exists, which makes the child unavailable as a witness at the time of the preliminary hearing or trial, the court shall order that an in-camera videotaped deposition of the testimony of the alleged child victim be made for use as substantive evidence at the preliminary hearings and at trial
3. Upon a finding of trauma as provided for in subsection 2 of this statute, the court may also exclude the defendant from the videotape deposition proceedings in which the child is to testify. Where any such order of exclusion is entered, the child shall not be excused as a witness until the defendant has had a reasonable opportunity to review the videotape deposition in private with his counsel and to consult with his counsel; and until his counsel has been afforded the opportunity to cross-examine the child following such review and consultation.

Both of Missouri’s child sex trafficking offenses, Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child – Penalty) and Mo. Rev. Stat. § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty), and one of the state’s CSEC offenses, Mo. Rev. Stat. § 566.103 (Crime of promoting online sexual solicitation, violation, penalty), are codified under Chapter 566 (Sexual offenses), making the protection provided for under Mo. Rev. Stat. Ann. § 491.680 applicable to victims of these crimes. Still, the majority of Missouri’s CSEC offenses are codified under chapter 567 (Prostitution), which is not included under Mo. Rev. Stat. § 491.680(1) for purposes of protection.

- 5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Child sex trafficking victims have a right to a sexual assault advocate during law enforcement interviews and forensic exams. However, victims must have reported the crime within 5 days unless the prosecuting attorney finds good cause for not having done so.	Not statutorily required.	Not statutorily required.
Relevant Statute(s)	Mo. Rev. Stat. § 595.201(1), (4)(c) (Sexual Assault Survivors’ Bill of Rights); Mo. Rev. Stat. § 595.206 (Victims eligible for services)	None.	None.

- 5.3.1 Recommendation: Statutorily require that child sex trafficking victims are provided courtroom supports when testifying against their exploiter and their identifying information is protected from disclosure in court records.

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Missouri law does not provide for privileged communications between caseworkers and child sex trafficking victims.

- 5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim’s communications with a caseworker from being disclosed.



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Missouri law authorizes statewide, trafficking-specific training for child welfare agencies. Pursuant to Mo. Rev. Stat. § 566.223(3) (Federal Trafficking Victims Protection Act of 2000 to apply, when – affirmative defense – procedures to identify victims, training on protocols),

The department of public safety is authorized to establish procedures for identifying victims of trafficking under sections 566.200 to 566.223. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the children’s division of the department of social services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by child welfare. However, Missouri law does not statutorily require individuals employed by child welfare to receive such training.

- 6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Missouri law authorizes statewide, trafficking-specific training for juvenile justice agencies. Pursuant to Mo. Rev. Stat. § 566.223(3) (Federal Trafficking Victims Protection Act of 2000 to apply, when – affirmative defense – procedures to identify victims, training on protocols),

The department of public safety is authorized to establish procedures for identifying victims of trafficking under sections 566.200 to 566.223. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the children’s division of the department of social services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by juvenile justice agencies. However, Missouri law does not statutorily require individuals employed by juvenile justice agencies to receive such training.

- 6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Missouri law authorizes trafficking-specific training for law enforcement. Pursuant to Mo. Rev. Stat. § 566.223(3) (Federal Trafficking Victims Protection Act of 2000 to apply, when – affirmative defense – procedures to identify victims, training on protocols),

The department of public safety is authorized to establish procedures for identifying victims of trafficking under sections 566.200 to 566.223. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the children’s division of the department of social services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by law enforcement. However, law enforcement officers are not statutorily mandated to receive such training nor is the training required to be ongoing.

- 6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Missouri law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

- 6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Missouri law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Missouri law does not mandate child sex trafficking prevention education in schools.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. Mo. Rev. Stat. § 566.211 (Sexual trafficking of a child – Penalty) states,
 1. A person commits the offense of sexual trafficking of a child in the second 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 eighteen to participate in a commercial sex act,¹⁵ a sexual performance, or the production of explicit sexual material as defined in section 573.010 [Definitions], or benefits, financially or by receiving anything of value, from participation in such activities;
 - (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or
 - (3) Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.
 -
 3. The offense sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.
2. Mo. Rev. Stat. § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty) states,
 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,¹⁶ a sexual performance, or the production of explicit sexual material as defined in section 573.010 [Definitions], or benefits, financially or by receiving anything of value, from participation in such activities;
 - (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or
 - (3) Advertises the availability of 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.
 -
 3. The offense of sexual trafficking of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than twenty-five years of such sentence

¹⁵ Mo. Rev. Stat. § 566.200(5) (Definitions) defines “commercial sex act” as “any sex act on account of which anything of value is given to, promised, or received by any person.”

¹⁶ Mo. Rev. Stat. § 566.200(5) (Definitions) defines “commercial sex act” as “any sex act on account of which anything of value is given to, promised, or received by any person.”

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Mo. Rev. Stat. § 567.050(1), (3) (Promoting prostitution in the first degree) states,

1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

-
- (2) Promotes prostitution of a person less than sixteen years of age; or
 - (3) Owns, manages, or operates an interactive computer service,¹⁷ or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another

.....

3.

- (1) The offense of promoting prostitution in the first degree under subdivision (1) or (3) of subsection 1 of this section is a class B felony.
- (2) The offense of promoting prostitution in the first degree under subdivision (3) of subsection 1 of this section is a class A felony if a person acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation under section 566.209 [Trafficking for the purpose of sexual exploitation].
- (3) The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.

A class B felony is punishable by imprisonment for 5–15 years. Mo. Rev. Stat. Ann. § 558.011(1)(2) (Sentence of imprisonment, terms – Conditional release). A class A felony is punishable by imprisonment for 10–30 years or life. Mo. Rev. Stat. Ann. § 558.011(1)(1).

2. Mo. Rev. Stat. § 567.060 (Promoting prostitution in the second degree) states,

1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

- (1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; or
- (2) Promotes prostitution of a person sixteen or seventeen years of age.

2. The offense of promoting prostitution in the second degree is a class D felony.

A class D felony is punishable by imprisonment for up to 7 years. Mo. Rev. Stat. Ann. § 558.011(1)(4) (Sentence of imprisonment, terms – Conditional release).

3. Mo. Rev. Stat. § 567.030 (Patronizing prostitution – Penalty) states,

1. A person commits the offense of patronizing prostitution if he or she:

- (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
- (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

¹⁷ Mo. Rev. Stat. § 567.050(1)(3) defines “interactive computer service” as “any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.”

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

....

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class E felony.

4. The offense of patronizing prostitution is a class D felony if the individual who the person patronizes is fourteen years of age or younger

A class E felony is punishable by imprisonment for up to 4 years. Mo. Rev. Stat. Ann. § 558.011(1)(5) (Sentence of imprisonment, terms – Conditional release). A class D felony is punishable by imprisonment for up to 7 years. Mo. Rev. Stat. Ann. § 558.011(1)(4).

4. Mo. Rev. Stat. § 566.103(1), (6) (Crime of promoting online sexual solicitation, violation, penalty) states,

1. A person or entity commits the offense of promoting online sexual solicitation if such person or entity knowingly permits a web-based classified service¹⁸ owned or operated by such person or entity to be used by individuals to post advertisements promoting prostitution,¹⁹ enticing a child to engage in sexual conduct, or promoting sexual trafficking of a child after receiving notice under this section.

....

6. A violation of this section shall be a felony, punishable by a fine in the amount of five thousand dollars per day that the advertisement remains posted on the web-based classified service after seventy-two hours of when notice has been provided pursuant to this section.

¹⁸ Mo. Rev. Stat. § 566.103(2) defines “web-based classified service” as “a person or entity in whose name a specific URL or internet domain name is registered which has advertisements for goods and services or personal advertisements.”

¹⁹ Pursuant to Mo. Rev. Stat. § 566.103(3),

An advertisement may be deemed to promote prostitution, entice a child to engage in sexual conduct, or promote sexual trafficking of a child, if the content of such advertisement would be interpreted by a reasonable person as offering to exchange sexual conduct for goods or services in violation of chapter 567, as seeking a child for the purpose of sexual conduct or commercial sex act, or as offering a child as a participant in sexual conduct or commercial sex act in violation of section 566.151 [Enticement of a child], * 566.212 [transferred to § 566.211(Sexual trafficking of a child – Penalty)], or 566.213 [transferred to § 566.210 (Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty)].