



2023 REPORT

# MISSOURI

## Report Cards on Child & Youth Sex Trafficking

*State Action. National Change.*

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IN 2011, SHARED HOPE RELEASED THE NATION’S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

## PROTECTED INNOCENCE CHALLENGE

### MISSOURI

2019	SCORE	GRADE	10	23	15	9.5	20	12
	89.5	B	10	25	15	10	27.5	15
2011	SCORE	GRADE	7.5	22	12.5	8.5	20.5	11
	82	B	10	25	15	10	27.5	15

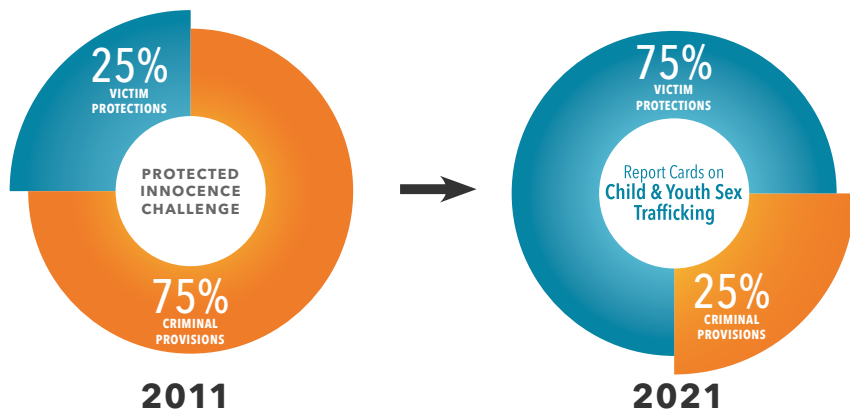
From 2011 to 2019, Missouri raised their grade under the Protected Innocence Challenge from an 82 to an 89.5, enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Missouri’s 2019 PIC report, visit [sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_MO.pdf](https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_MO.pdf)

## A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



## ADVANCED LEGISLATIVE FRAMEWORK

### 6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

### 40 POLICY GOALS ANALYZED:

### 110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

### FINAL LETTER GRADES ASSIGNED:

**A** | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

#### TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

#### THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

F



# MISSOURI

## 2023 Report Card

TIER II

**GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES.** While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

### STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 16 points.
- Currently ranked 20th in the nation (tie).
- One of only 8 states to require a specialized multi-disciplinary response to cases of child sex trafficking.
- Child welfare is required to provide specialized services to system-involved children and youth with experiences of sex or labor trafficking victimization.

### SAFE HARBOR STATUS:

One of 30 states that statutorily prohibit the criminalization of minors for prostitution.

Issue		Grade	Score	Summary
	1. Criminal Provisions	C	$\frac{13.5}{17.5}$	Policy goals accomplished related to buyer and trafficker accountability under state CSEC laws, mistake of age defenses, decoy defenses, and business entity liability under the trafficking law. Gaps remain related to buyer accountability under the trafficking law and financial penalties.
	2. Identification of and Response to Victims	F	$\frac{12.5}{27.5}$	Policy goals accomplished related to third party control, non-criminalization for prostitution offenses, and child abuse definitions. Gaps remain related to foreign national victims, screening through child welfare and the juvenile justice system, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care	D	$\frac{9}{15}$	Policy goals accomplished related to MDT responses and services through child welfare. Gaps remain related to community-based services, services through the juvenile justice system, extended foster care services, and appropriations.
	4. Access to Justice for Trafficking Survivors	D	$\frac{9.5}{15}$	Policy goal accomplished related to civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, restitution, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	B	$\frac{8}{10}$	Gaps remain in all areas, including hearsay exceptions, alternatives to live, in-court testimony, victim-witness supports, and privileged communications.
	6. Prevention and Training	F	$\frac{3}{15}$	Gaps remain in all areas, including training for child welfare, juvenile justice agencies, law enforcement, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	Youth		1	Protection related to civil remedies is extended to sex trafficked youth.
	Child Labor Trafficking		3	Protections related to child abuse definitions, services through child welfare, and civil remedies are extended to child labor trafficking victims.

**OVERALL GRADE**  
TIER II

**F 59.5**

## WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.









## WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

## SAFE HARBOR LAWS

Comprehensive Safe Harbor laws  
**SHOULD PROHIBIT  
ARRESTING, DETAINING,  
CHARGING, & PROSECUTING**  
all minors for prostitution offenses, regardless of  
whether a finding of trafficking victimization is  
made, and, instead, require law enforcement to  
direct child and youth survivors to  
**SPECIALIZED SERVICES & CARE.**

Safe Harbor laws  
**SHOULD ALSO PROHIBIT  
CRIMINALIZATION**  
of child sex trafficking survivors for other crimes  
committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 <b>Fully met</b>	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and <a href="#">Issue Brief 2.1</a> for background).
 <b>Not met</b>	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and <a href="#">Issue Brief 2.3</a> for background).
 <b>Not met</b>	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and <a href="#">Issue Brief 2.4</a> for background).
 <b>Fully met</b>	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and <a href="#">Issue Brief 2.5</a> for background).
 <b>Not met</b>	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 (see Policy Goal 2.6 for further analysis and <a href="#">Issue Brief 2.6</a> for background).
 <b>Partially met</b>	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 (see Policy Goal 2.7 for further analysis and <a href="#">Issue Brief 2.7</a> for background).
 <b>Not met</b>	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and <a href="#">Issue Brief 2.8</a> for background).
 <b>Not met</b>	State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems (see Policy Goal 3.1 for further analysis and <a href="#">Issue Brief 3.1</a> for background).
 <b>Not met</b>	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and <a href="#">Issue Brief 3.6</a> for background).

## STATE SUMMARY:

Missouri law prohibits the criminalization of all minors for prostitution offenses and prohibits any crime victim from being charged as a co-conspirator; however, the latter protection is limited and does not clearly encompass all conduct engaged in by a sex trafficking victim-offender, nor does it prohibit a child sex trafficking victim from being charged for other conduct committed as a result of their victimization. Further, state law does not facilitate access to, or provide funding for, community-based services, potentially leaving some survivors underserved or disconnected from resources that are necessary to address trauma and promote healing.

**SAFE HARBOR RESOURCES:** For additional information, visit [reportcards.sharedhope.org/safeharbor/](https://reportcards.sharedhope.org/safeharbor/).

**SAFE HARBOR MAP:** To see our map of state Safe Harbor law development, visit [reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf](https://reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf).

This report provides a thorough analysis of Missouri’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.<sup>1</sup> This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



## 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.

❶ **PARTIALLY MET**

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,<sup>2</sup> 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

....

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:

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<sup>1</sup> Evaluations of state laws are based on legislation enacted as of July 1, 2023.

<sup>2</sup> 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.”

- (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 [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
- ....

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.”<sup>3</sup>

However, to ensure buyers are held accountable as sex trafficking offenders, the trafficking laws 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. (See [Issue Brief 1.1.](#))

## **Policy Goal 1.2** Commercial sexual exploitation of children (CSEC) laws<sup>4</sup> specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

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

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

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<sup>3</sup> 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.

<sup>4</sup> The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Missouri’s CSEC laws, see the appendix located at the end of this report.

- (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.

....

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 . . . .

**Policy Goal 1.3**      Commercial sexual exploitation of children (CSEC) laws<sup>5</sup> apply to traffickers and protect all minors under 18.

● FULLY MET

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:

....

- (2) Promotes prostitution of a person less than sixteen years of age; or
- (3) Owns, manages, or operates an interactive computer service,<sup>6</sup> 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.

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<sup>5</sup> See *supra* note 4 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

<sup>6</sup> 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.”

**Policy Goal 1.4** Mistake of age is not an available defense in child sex trafficking prosecutions.

● FULLY MET

Missouri law prohibits a mistake of age defense in prosecutions for child sex trafficking.<sup>7</sup> 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.”

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

● FULLY MET

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.
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** Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Missouri law broadly allows for business entity liability. Pursuant to Mo. Rev. Stat. § 562.056(1), (2) (Liability of corporations and unincorporated associations),

1. A corporation is guilty of an offense if:
  - (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or
  - (2) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his or her employment and in behalf of the corporation, and the offense is a misdemeanor or an infraction, or the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on a corporation; or
  - (3) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his or her employment and in behalf of the corporation.
2. An unincorporated association is guilty of an offense if:

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<sup>7</sup> Further, Missouri law prohibits the defense for prosecutions under Mo. Rev. Stat. § 567.030(2) (Patronizing prostitution – Penalty), stating, “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.”

- (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the association by law; or
- (2) The conduct constituting the offense is engaged in by an agent of the association while acting within the scope of his or her employment and in behalf of the association and the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on the association.

**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.

○ **NOT MET**

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.<sup>8</sup>

- 1.7.1      Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund. (*See Issue Brief 1.7.*)

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<sup>8</sup> 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 follows:

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:

- ....
- (c) Chapter 566, relating to sexual offenses;
- (d) Chapter 568, relating to offenses against the family;
- ....
- (g) Chapter 567, relating to prostitution;
- (h) Chapter 573, relating to pornography and related offenses;
- ....

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 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 & Response to Victims<sup>9</sup>

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### 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.

● FULLY MET

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.”<sup>10</sup> 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.

○ NOT MET

Missouri law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children. (See [Issue Brief 2.2.](#))

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<sup>9</sup> In addition to the procedures and protections outlined throughout this section, Mo. Rev. Stat. § 210.1505 (Statewide council on sex trafficking and sexual exploitation of children created – Members, duties, report – Expiration date) provides,

3. The [Statewide Council on Sex Trafficking and Sexual Exploitation of Children] shall:

....

(2) Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children, including identification and assessment of victims; response and treatment coordination and collaboration across systems; trauma-informed, culturally competent victim-centered services; training for professionals in all systems; and investigating and prosecuting perpetrators.

....

6. The council shall expire on December 31, 2023.

<sup>10</sup> 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.

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

○ NOT MET

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. (See [Issue Brief 2.3.](#))

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

○ NOT MET

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.

- 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. (See [Issue Brief 2.4.](#))

**Policy Goal 2.5** State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

● FULLY MET

Missouri law prohibits the criminalization of all minors for prostitution offenses and establishes a protocol requiring law enforcement to refer impacted children to a child-serving agency. Pursuant to Mo. Rev. Stat. § 567.020 (Prostitution),

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.

....

5. A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person was under the age of eighteen at the time the offense occurred. In such cases where the person was under the age of eighteen, the person shall be classified as a victim of abuse, as defined in section 210.110 [Definitions], and such abuse shall be reported immediately to the children's division, 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] and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207 [Family Support Division and Children's Division], 210 [Child Protection and Reformation], and 211 [Juvenile Courts]. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation.

Further, Mo. Rev. Stat. § 210.1500(1)–(4) (Suspected victims of sex trafficking, law enforcement duties – Division duties – Procedure) provides,

1. When a child is located by a police officer or law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking or severe forms of trafficking as those terms are defined

under 22 U.S.C. Section 7102, the police officer or law enforcement official shall immediately cause a report to be made to the children's division in accordance with 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]. Upon receipt of a report by the children's division and if the children's division determines that the report merits an investigation, the reporting official and the children's division shall ensure the immediate safety of the child and shall coinvestigate the complaint to its conclusion.

2. If the police officer or law enforcement official has reasonable cause to believe that the child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect due to sex trafficking or sexual exploitation and such officer or official has reasonable cause to believe the harm or threat to life may occur before a juvenile court or before a juvenile officer is able to take the child into protective custody, the police officer or law enforcement official may take or retain temporary protective custody<sup>11</sup> of the child without the consent of the child's parent or parents, guardian, or any other person legally responsible for the child's care, as provided under section 210.125 [Protective custody of child, who may take, reports required – Temporary protective custody defined].

3. If the child is already under the jurisdiction of the court under paragraph (a) of subdivision (1) of subsection (1) of section 211.031 [for neglect] and in the legal custody of the children's division, the police officer or law enforcement official, along with the children's division, shall secure placement for the child in the least restrictive setting in order to ensure the safety of the child from further sex trafficking or severe forms of trafficking.

4. The children's division and the reporting officer or official shall ensure a referral is made to the child advocacy center for a forensic interview and an evaluation, as necessary to ensure the medical safety of the child, by a SAFE CARE provider as defined under section 334.950 [Collaboration between providers and medical resource centers – Definitions – Recommendations – Rulemaking authority, SAFE CARE providers]. The child shall be assessed utilizing a validated screening tool specific to sex trafficking to ensure the appropriate resources are secured for the treatment of the child.

Lastly, 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) states,

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.

Consequently, statutory protections safeguard minors from prosecution for prostitution offenses, establish a services-referral protocol, and provide mechanisms for taking such minors into protective custody.

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<sup>11</sup> Mo. Rev. Stat. § 210.125(5) (Protective custody of child, who may take, reports required – Temporary protective custody defined) defines “temporary protective custody” as “temporary placement within a hospital or medical facility or emergency foster care facility or such other suitable custody placement as the court may direct; provided however, that an abused or neglected child may not be detained in temporary custody in a secure detention facility.”

## 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.

○ NOT MET

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. (See [Issue Brief 2.6](#).)

## 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.

● PARTIALLY MET

Although Missouri law broadly prohibits a victim from being charged as a co-conspirator, the protection is limited and does not clearly encompass all conduct engaged in by a sex trafficking victim-offender.<sup>12</sup> Pursuant to Mo. Rev. Stat. § 562.041 (Responsibility for the conduct of another),

1. A person is criminally responsible for the conduct of another when:
  - (1) The statute defining the offense makes him or her so responsible; or
  - (2) Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he or she aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.
2. However, a person is not so responsible if:
  - (1) He or she is the victim of the offense committed or attempted;
  - (2) The offense is so defined that his or her conduct was necessarily incident to the commission or attempt to commit the offense. If his or her conduct constitutes a related but separate offense, he or she is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person;
  - (3) Before the commission of the offense such person abandons his or her purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.
3. The defense provided by subdivision (3) of subsection 2 of this section is an affirmative defense.

Accordingly, the protection provided for under Mo. Rev. Stat. § 562.041 would not insulate a sex trafficking victim-offender from charges “constitut[ing] a related but separate offense.”

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<sup>12</sup> For more information, see Shared Hope Int’l, *Issue Brief 2.7: Identification of and Response to Victims*, <https://reportcards.sharedhope.org/issue-briefs/#IB2.7> (discussing the importance of clearly prohibiting the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses committed as a result of their victimization). See also, SHARED HOPE INT’L, RESPONDING TO SEX TRAFFICKING VICTIM-OFFENDER INTERSECTIONALITY: A GUIDE FOR CRIMINAL JUSTICE STAKEHOLDERS (2020) [https://spopy1bvira2mldnj1hd926e-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/SH\\_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020\\_FINAL\\_updatedApril2020.pdf](https://spopy1bvira2mldnj1hd926e-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL_updatedApril2020.pdf).

- 2.7.1 Recommendation: Strengthen existing law to clearly 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. (See [Issue Brief 2.7.](#))

**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.

○ NOT MET

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. (See [Issue Brief 2.8.](#))

**Policy Goal 2.9** Juvenile court jurisdiction provides for a developmentally appropriate response.

● PARTIALLY MET

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,<sup>13</sup> 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 of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Permits 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	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.

<sup>13</sup> Pursuant to Mo. Rev. Stat. § 211.031(1)(7) (Juvenile court to have exclusive jurisdiction, when – Exceptions – Home schooling, attendance violations, how treated),

1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in chapter 487 shall have exclusive original jurisdiction in proceedings:

....

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of eighteen years . . .

....

(7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

			adjudication under continued jurisdiction in a prior matter.		
<b>Relevant Statute(s)</b>	Mo. Rev. Stat. § 211.021(2) (Definitions)	Mo. Rev. Stat. § 211.031(1)(3) (Juvenile court to have exclusive jurisdiction, Fwhen – Exceptions – Home schooling, attendance violations, how treated)	Mo. Rev. Stat. § 211.034 (Extension of juvenile court 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)	Mo. Rev. Stat. § 211.071(1) (Certification of juvenile for trial as adult – Procedure – Mandatory hearing, certain offenses; Misrepresentation of age, effect)	Mo. Rev. Stat. § 211.071(6)(1)–(10) (Certification of juvenile for trial as adult – Procedure – Mandatory hearing, certain offenses; Misrepresentation of age, effect)

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 domestic 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. (*See Issue Brief 2.9.*)

**Policy Goal 2.10** State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● **FULLY MET**

Missouri law clearly defines “abuse” to include child sex trafficking.<sup>14</sup> 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].

<sup>14</sup> 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 allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

**1** PARTIALLY MET

Although child sex trafficking victims may access child welfare services regardless of parent or caregiver fault, Missouri law does not provide for a specialized response in those cases. Specifically, 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.

As noted above, however, a specialized response is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-caregiver trafficker.<sup>15</sup>

2.11.1 Recommendation: Statutorily provide for a specialized response in non-caregiver child sex trafficking cases. (See [Issue Brief 2.11.](#))

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<sup>15</sup> 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<sup>16</sup>

### Policy Goal 3.1

State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

○ NOT MET

Missouri law does not mandate a process for coordinating access to specialized, community-based services for child sex trafficking victims that does not require involvement in a child-serving system.

- 3.1.1 Recommendation: Statutorily mandate a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems. (See [Issue Brief 3.1](#).)

### Policy Goal 3.2

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

● FULLY MET

Missouri law requires a multidisciplinary response to child sex trafficking cases. Pursuant to Mo. Rev. Stat. § 210.1500(5) (Suspected victims of sex trafficking, law enforcement duties – Division duties – Procedure),

For purposes of this section, multidisciplinary teams shall be used when conducting an investigation. Multidisciplinary teams shall be used in providing protective or preventive social services, including services of law enforcement upon the request by the department of social services, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private, to secure appropriate services to meet the needs of the child.

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<sup>16</sup> In addition to the procedures and protections outlined throughout this section, Mo. Rev. Stat. § 210.1505 (Statewide council on sex trafficking and sexual exploitation of children created – Members, duties, report – Expiration date) provides,

3. The [Statewide Council on Sex Trafficking and Sexual Exploitation of Children] shall:

....

(2) Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children, including identification and assessment of victims; response and treatment coordination and collaboration across systems; trauma-informed, culturally competent victim-centered services; training for professionals in all systems; and investigating and prosecuting perpetrators.

....

6. The council shall expire on December 31, 2023.

### Policy Goal 3.3

State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

● FULLY MET

Missouri law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims. Specifically, Mo. Rev. Stat. § 210.1500(1), (4) (Suspected victims of sex trafficking, law enforcement duties – Division duties – Procedure) requires child welfare to refer child victims to a child advocacy center, which is tasked with securing services; it states,

1. When a child is located by a police officer or law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking or severe forms of trafficking as those terms are defined under 22 U.S.C. Section 7102, the police officer or law enforcement official shall immediately cause a report to be made to the children's division in accordance with 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]. Upon receipt of a report by the children's division and if the children's division determines that the report merits an investigation, the reporting official and the children's division shall ensure the immediate safety of the child and shall coinvestigate the complaint to its conclusion.

....

4. The children's division and the reporting officer or official shall ensure a referral is made to the child advocacy center for a forensic interview and an evaluation, as necessary to ensure the medical safety of the child, by a SAFE CARE provider as defined under section 334.950 [Collaboration between providers and medical resource centers – Definitions – Recommendations – Rulemaking authority, SAFE CARE providers]. The child shall be assessed utilizing a validated screening tool specific to sex trafficking to ensure the appropriate resources are secured for the treatment of the child.

Further, Mo. Rev. Stat. § 566.223(4), (5) (Federal Trafficking Victims Protection Act of 2000 to apply, when – Affirmative defense – Procedures to identify victims, training on protocols) provides,

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.

## EXTRA CREDIT



Missouri law provides child labor trafficking victims with access to specialized services. Specifically, the services response outlined under Mo. Rev. Stat. § 210.1500(1), (4) 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 3.4** State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

#### **1 PARTIALLY MET**

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 services<sup>17</sup> 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 in section 210.110 [Definitions], and such abuse shall be reported immediately to . . . the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207 [Family Support Division and Children’s Division], 210 [Child Protection and Reformation], and 211 [Juvenile Courts]. Upon request, the local law

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<sup>17</sup> 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>.

enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation.”

- 3.4.1 Recommendation: Strengthen existing law to mandate access to specialized services for identified sex trafficked children and youth in the juvenile justice system. (See [Issue Brief 3.4](#).)

**Policy Goal 3.5** State law extends foster care services to older foster youth.

● PARTIALLY MET

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.<sup>18</sup> 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 . . .”<sup>19</sup>

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.

- 3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age. (See [Issue Brief 3.5](#).)

**Policy Goal 3.6** State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

○ NOT MET

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.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking. (See [Issue Brief 3.6](#).)

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<sup>18</sup> For more information, see Shared Hope Int'l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/issue-briefs/#IB3.5> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

<sup>19</sup> 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.”



## ISSUE 4: Access to Justice for Trafficking Survivors

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

○ NOT MET

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. (See [Issue Brief 4.1](#).)

### 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.

① PARTIALLY MET

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."<sup>20</sup>

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),

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<sup>20</sup> 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 injury<sup>21</sup> 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. (See [Issue Brief 4.2.](#))

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

**1 PARTIALLY MET**

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.

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<sup>21</sup> 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. (See [Issue Brief 4.3.](#))

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

● PARTIALLY MET

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. (See [Issue Brief 4.4.](#))

#### Policy Goal 4.5

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

● FULLY MET

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.

#### ● PARTIALLY MET

Prosecutions for child sex trafficking and CSEC offenses may commence at any time; however, the statute of limitation for filing 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;<sup>22</sup> 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

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<sup>22</sup> 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;

[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.

4.6.1 Recommendation: Eliminate the statute of limitation for filing trafficking-specific civil actions. (*See [Issue Brief 4.6.](#)*)



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

### Policy Goal 5.1

Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

① PARTIALLY MET

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. (*See [Issue Brief 5.1.](#)*)

### Policy Goal 5.2

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

① PARTIALLY MET

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. (*See Issue Brief 5.2.*)

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

 **PARTIALLY MET**

	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
<b>Summary</b>	Not statutorily required.	Child witnesses under 14 years of age (or, at the court’s discretion, those under 18 years of age) may be permitted to have a “toy, blanket, or similar item in [their] possession while testifying” and/or have a support person present in the courtroom.	“[A]ny information contained in any court record, whether written or published on the internet, including any visual or aural recordings that could be used to identify or locate any victim of an offense under chapter 566 [which houses Missouri’s sex trafficking offenses] . . . shall be closed and redacted from such record prior to disclosure to the public.”

<b>Relevant Statute(s)</b>	None.	Mo. Rev. Stat. § 491.725 (Citation of law – Definitions – Applicability)	Mo. Rev. Stat. § 595.226(1) (Identifiable information in court records to be redacted, when – Access to information permitted, when – Disclosure of identifying information regarding defendant, when)
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- 5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate and are provided courtroom supports when testifying against their exploiter. (See [Issue Brief 5.3.](#))

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

❶ **PARTIALLY MET**

Missouri law does not provide for privileged communications between caseworkers and child sex trafficking victims specifically. However, child sex trafficking victims may benefit from privileged communications protections provided to certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

<b>Statute</b>	<b>Profession</b>	<b>Relevant Limitations</b>
Mo. Rev. Stat. § 337.055 (Privileged communications, when)	Psychologist	None.
Mo. Rev. Stat. § 337.540 (Privileged communications, when)	Licensed professional counselor	None.
Mo. Rev. Stat. § 337.636 (Privileged communications, when)	Social worker	Privilege does not apply to information obtained involving a minor victim or subject of a crime.

- 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. (See [Issue Brief 5.4.](#))



## 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.

① **PARTIALLY MET**

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. (See [Issue Brief 6.1.](#))

### Policy Goal 6.2

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

① **PARTIALLY MET**

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. (See [Issue Brief 6.2.](#))

### Policy Goal 6.3

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

🟡 **PARTIALLY MET**

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. (See [Issue Brief 6.3](#).)

### Policy Goal 6.4

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

🟡 **NOT MET**

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. (See [Issue Brief 6.4](#).)

### Policy Goal 6.5

State law mandates child sex trafficking training for school personnel.

🟡 **NOT MET**

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. (See [Issue Brief 6.5](#).)

### Policy Goal 6.6

State law mandates child sex trafficking prevention education in schools.

🟡 **NOT MET**

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. (See [Issue Brief 6.6](#).)

# KEYSTONE STATUTES

## State Laws Addressing Child Sex Trafficking

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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,<sup>23</sup> 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,<sup>24</sup> 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 . . . .

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<sup>23</sup> 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.”

<sup>24</sup> 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)

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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,<sup>25</sup> 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

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<sup>25</sup> 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 service<sup>26</sup> owned or operated by such person or entity to be used by individuals to post advertisements promoting prostitution,<sup>27</sup> 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.

5. Mo. Rev. Stat. § 573.024 (Enabling sexual exploitation of a minor, offense of – Penalty) states,

1. A person commits the offense of enabling sexual exploitation of a minor if such person acting with criminal negligence permits or allows any violation of section 566.210 [Sexual trafficking of a child under age twelve – Affirmative defense not allowed, when – Penalty], 566.211 [Sexual trafficking of a child – Penalty] . . . .

2. The offense of enabling sexual exploitation of a minor is a class E felony for the first offense . . . .

3. If the person guilty of the offense of enabling sexual exploitation of a minor is an owner of a business or the owner's agent and the business provided the location or locations for such exploitation, the business location or locations shall be required to close for up to one year for the first offense, and the length of time shall be determined by the court . . . . As used in this section, "business" shall include, but is not limited to, a hotel or massage parlor and "owner's agent" shall include, any person empowered to manage the owner's business location or locations.

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).

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<sup>26</sup> 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."

<sup>27</sup> 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)].

## RESOURCES

**REPORT CARDS PROJECT:** For more information on the Report Cards Project, visit [reportcards.sharedhope.org](https://reportcards.sharedhope.org).

**TOOLKIT:** To see how your state compares, visit [reportcards.sharedhope.org/toolkit](https://reportcards.sharedhope.org/toolkit).

**ISSUE BRIEFS:** To better understand a policy goal, visit [reportcards.sharedhope.org/issue-briefs](https://reportcards.sharedhope.org/issue-briefs).

**SURVEY CHARTS:** To see where the nation stands as a whole on a particular issue, visit [reportcards.sharedhope.org/state-survey-charts](https://reportcards.sharedhope.org/state-survey-charts).

## HIGHLIGHTED RESOURCES

### Community-Based Services White Paper



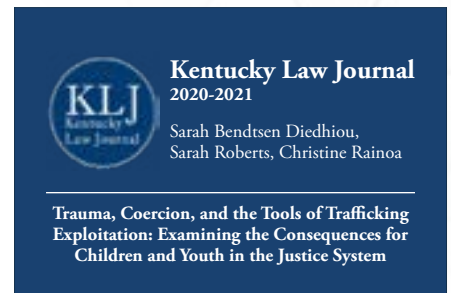
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

### Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

### Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

## TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at [sharedhope.org/legislative-technical-assistance](https://sharedhope.org/legislative-technical-assistance). We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

## ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit [act.sharedhope.org/actioncenter](https://act.sharedhope.org/actioncenter).



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.