Sex trafficking of a child is a felony punishable by a fine up to $250,000 and 10 years–life imprisonment, enhanced to 25 years to life imprisonment if the victim is either under 12 or force, abduction or coercion was used. Promoting prostitution of a minor is a felony punishable by 5–15 years imprisonment. Producing a sexual performance of a child is a felony punishable by up to 7 years imprisonment and a possible fine of $5,000 or double the defendant’s gain from a commission of the offense up to $20,000. Age misrepresentation by a trafficker on the Internet with the intent to engage in criminal sexual conduct (that could include sex trafficking) involving a minor is a felony punishable by imprisonment up to four years. Convicted sex traffickers must pay restitution to the victim, and may also face civil liability and asset forfeiture. Traffickers convicted of sex trafficking of a child, CSEC offenses, and child pornography offenses must register as sex offenders. Grounds for termination of parental rights exist when a trafficker is convicted of sex trafficking of a child or certain other CSEC offenses when any child in the trafficker’s family was the victim of the crime.
While child sex trafficking and CSEC victims are afforded some protections under Missouri law, gaps still exist. Missouri expressly prohibits a defense based on consent when a sex trafficking victim is under 12; however, this defense is not prohibited for older minors, leaving open the possibility that offenders could assert an affirmative defense of consent. A CSEC victim charged with prostitution may assert an affirmative defense of coercion or force in committing the offense of prostitution, but prostitution laws are not limited in application to adults and do not identify a minor engaged in prostitution as a victim of sex trafficking. Missouri provides statutory procedures to identify human trafficking victims, and law enforcement must notify social services and juvenile justice authorities when a minor victim is identified. The state also has special technical assistance teams for cases of child exploitation and child pornography. A CSEC victim may be detained if determined delinquent or a child in need of care. The limited definitions of abuse and neglect do not include CSEC and therefore would not permit child welfare intervention even though the definition of a person “responsible for the care, custody and control” of a child is likely broad enough to allow a child controlled by a trafficker protection through child welfare. CSEC victims are eligible for crime victims’ compensation, but eligibility criteria requiring cooperation with law enforcement and reporting the incident within 48 hours may limit ability to recover. Additionally a claim must be filed within two years, and the award may be reduced if the injury arose from the consent of the victim. Victim-friendly criminal justice procedures exist such as the “rape shield” law, which reduces the trauma of cross-examination. Minors may have their records expunged if a petition is filed within one year of arrest. Victims of sex trafficking are entitled to mandatory restitution and may bring a civil action for damages against the offender. Criminal statutes of limitations for sexual offenses against a minor are extended 30 years past turning 18, and eliminated when force is used in the commission of the offense. Civil statutes of limitations for actions arising out of child pornography offenses are extended until the victim reaches 31 or within three years of discovering injury was caused by the offense.

Criminal Justice Tools for Investigation and Prosecutions

Missouri authorizes, but does not require, training programs for law enforcement on human trafficking. Single party consent to audiotaping is permitted, but wiretapping is not permitted for investigations of suspected sex trafficking and CSEC crimes. Use of a decoy is specifically permitted within the statutes of enticement of a child (under 15 only) and sexual misconduct involving a child, but not for sex trafficking or CSEC offenses. Law enforcement may use the Internet to investigate cases of sex trafficking relying on the enticement of a child law which includes enticing a child under 15 both in person and via the Internet to engage in sexual conduct. Missouri law requires law enforcement to report missing and recovered children.

Protective Provisions for the Child Victims

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.aspx.

Criminal Provisions for Facilitators

It is a crime to benefit financially from sex trafficking, a felony punishable by a fine up to $250,000 and 10 years to life imprisonment, enhanced to 25 years to life if the victim was under 12 or force, abduction or coercion was used in committing the crime. Facilitators may also be charged with the felony crimes of promoting sexual performance of a child or promoting child pornography punishable by up to seven years imprisonment and a possible fine up to $5,000 or double the defendant’s gain from the commission of the offense up to $20,000. Facilitators are subject to asset forfeiture for these crimes. Facilitators who knowingly permit their online services to be used to post advertisements related to sex trafficking could be charged with the felony of promoting online sexual solicitation, and fined $5,000 per day of continuing violation beginning 72 hours after notice has been provided. Facilitators convicted of sex trafficking must pay restitution to the victim and may face civil liability. Sex tourism is a crime under promoting travel for prostitution (punishable by up to seven years imprisonment and a possible fine not to exceed $5,000 or double the defendant’s gain from the commission of the offense) and advertising or facilitating travel to engage in a commercial sex act (punishable by loss of business incorporation status and freezing of assets); neither statute enhances penalties if the victims are minors.