Criminalization of Domestic Minor Sex Trafficking

Missouri has a separate law addressing sex trafficking of a child and clearly defines a minor under the age of 18 used in a commercial sex act as a human trafficking victim without regard to use of force, fraud, or coercion. The state commercial sexual exploitation of children (CSEC) laws include: promoting prostitution of a minor under 16, patronizing prostitution, promoting online sexual solicitation, child used in sexual performance, sexual exploitation of a minor, promoting sexual performance by a child, and abuse of a child by sexual exploitation for child pornography. The prostitution law does not refer to the sex trafficking of children law to identify commercially sexually exploited minors as victims of trafficking. A victim charged with prostitution may assert an affirmative defense of coercion or force in committing the offense of prostitution. Missouri has not enacted a racketeering or gang crime law that includes trafficking offenses as predicate acts to prosecute sex trafficking enterprises.

Criminal Provisions Addressing Demand

The state sex trafficking law can be used to prosecute buyers who cause a minor to engage in a commercial sex act. The solicitation of prostitution law distinguishes between buying commercial sex acts with adults versus minors, providing enhanced penalties for buying sex with a minor under 18. In the absence of a statute or heightened penalties for using the Internet to purchase commercial sex acts with a minor, the enticement of a child law, which includes enticing a minor under 15 via the Internet to engage in sexual conduct, might apply to buyers who use the Internet for this purpose. The sex trafficking of a child and CSEC offense of patronizing prostitution prohibit an age mistake defense, preventing buyers from using this defense. The patronizing prostitution law staggers the penalties according to age, leaving insufficient penalties for those who purchase commercial sex acts with minors 15–17 years of age. Buyers convicted of child sex trafficking must pay restitution to the victim. Buyers of sex with minors are required to register as sex offenders if convicted of sex trafficking of a child or possessing child pornography, but not CSEC offenses.
Missouri's sex trafficking law makes it 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 3-10 years imprisonment and a possible fine up to $5,000 or double the defendant's gain from the commission of the offense. Facilitators are subject to discretionary civil 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.

Missouri law 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, denying law enforcement an important tool for investigation and evidence. 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.

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.