

MISSOURI

REPORT CARD | 2018

Missouri criminalizes child sex trafficking without requiring use of force, fraud, or coercion, and the trafficking law includes buyer, trafficker, and facilitator conduct. Further, the definitions of abuse and neglect specifically include child sex trafficking. However, specialized services are not statutorily mandated, and the critical tool of wiretapping is not expressly permitted in trafficking investigations, handicapping law enforcement and prosecutors.

Final Score

87

Final Grade

B



7.5

10

23

25

15

15

9.5

10

20

27.5

12

15

Criminalization of Domestic Minor Sex Trafficking

Missouri has a separate law addressing sex trafficking of a child and does not require a showing of force, fraud, or coercion when the victim is under 18. Missouri's commercial sexual exploitation of children (CSEC) laws include: "promoting prostitution in the first degree," "promoting prostitution in the second degree," "patronizing prostitution," "crime of promoting online sexual solicitation," "child used in sexual performance," "sexual exploitation of a minor," "promoting sexual performance by a child," and "abuse or neglect of a child" for the purpose of producing images of child sexual exploitation (ICSE). The prostitution law does not refer to the child sex trafficking law to acknowledge the intersection of prostitution with trafficking victimization. However, 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 for Demand

The state sex trafficking law can be used to prosecute buyers who cause a minor to engage in a commercial sex act. The "patronizing prostitution" law distinguishes between soliciting commercial sex acts with adults versus minors, providing enhanced penalties for the latter. Buyers convicted of child sex trafficking face 10 years imprisonment and a fine up to \$250,000. However, the "patronizing prostitution" law staggers penalties according to age; when the crime involves minor victims under 15, buyers face a maximum of 7 years imprisonment and no fine, whereas buyers who solicit older minors face a maximum of 4 years imprisonment and no fine. The "enticement of a child" law, which includes enticing a minor under 15 via the Internet to engage in sexual conduct, may apply to buyers who use the Internet for this purpose. Both the child sex trafficking law and the "patronizing prostitution" law prohibit a mistake of age defense. 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 child sex trafficking, "patronizing prostitution," or possessing ICSE.

Criminal Provisions for Traffickers

Sex trafficking of a child is a felony punishable by 10 years-life imprisonment and a fine up to \$250,000; the penalty increases to 25 years-life imprisonment if the victim is either under 12 or force, abduction, or coercion was used. Traffickers convicted of "promoting prostitution" face up to 15 years imprisonment, depending on the minor's age. "Abuse or neglect of a child" by sexual exploitation for the purpose of producing ICSE is punishable by 10-30 years or life imprisonment. "Promoting a sexual performance of a child" is a felony punishable by 3-10 years imprisonment and a possible fine of \$10,000 or double the defendant's gain from a commission of the offense up to \$20,000. The "enticement of a child" law, which includes enticing or luring a minor under 15 via the Internet to engage in sexual conduct, may apply to traffickers who use the Internet to recruit minors for commercial sex. Convicted sex traffickers must pay restitution to the victim; traffickers may also face discretionary civil asset forfeiture. Traffickers convicted of sex trafficking of a child, CSEC offenses, and ICSE offenses must register as sex offenders. Grounds for termination of parental rights exist when a trafficker is convicted of child sex trafficking or certain CSEC offenses provided that any child in the trafficker's family was the victim of the crime.



Criminal Provisions for Facilitators

Missouri's sex trafficking law makes it a crime to benefit financially from sex trafficking or to advertise the availability of a minor for commercial sexual exploitation, felonies punishable by 10 years–life imprisonment and a fine up to \$250,000; the penalty increases to 25 years–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 ICSE, which carry 3–10 years imprisonment and a possible fine up to \$10,000 or double the defendant's gain from the commission of the offense up to \$20,000. 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 for a continuing violation beginning 72 hours after notice has been provided. Facilitators convicted of sex trafficking must pay restitution to the victim. Sex tourism is a crime under “promoting travel for prostitution” (punishable by up to 7 years imprisonment and a possible fine up to \$10,000 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.



Protective Provisions for the Child Victims

All commercially sexually exploited children are defined as juvenile sex trafficking victims. Missouri law expressly prohibits a defense based on the willingness of the minor to engage in the commercial sex act if the victim is under 14; this defense is not prohibited for older minors. Prostitution laws apply to minors under 18, meaning juvenile sex trafficking victims may face criminalization for commercial sex acts committed as a result of their victimization. However, Missouri law mandates referral of juvenile sex trafficking victims to DSS and DJJ for a service and assistance assessment, but access to specialized services is not required. For purposes of child welfare intervention, the definitions of abuse and neglect include child sex trafficking without specifying a relationship between the child and the perpetrator of the abuse. CSEC victims are eligible for crime victims' com-

pensation, but compensation may be reduced or denied based on certain eligibility criteria. Victim-friendly criminal justice procedures, such as the “rape shield” law and confidentiality laws, exist. Missouri law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, and juvenile court records may only be sealed after a waiting period. Victims of sex trafficking are entitled to mandatory restitution, and civil remedies are available to victims of trafficking and CSEC offenses. Criminal statutes of limitations are eliminated for offenses that require registration as a sex offender, which includes child sex trafficking, CSEC, and ICSE offenses. Civil statutes of limitations for actions arising out of ICSE 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 Prosecution

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 allowed for investigations of suspected sex trafficking and CSEC crimes, denying law enforcement an important investigative tool. Missouri prohibits a defense to prosecution based on the use of a law enforcement decoy posing as a minor to investigate crimes in-

volving the “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 located children.

The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.