

## Prostitution Laws of Missouri

567.010: Chapter definitions

567.020: Prostitution

567.030: Patronizing prostitution--penalty

567.040: Prostitution and patronizing prostitution--sex of parties no defense, when

567.050: Promoting prostitution in the first degree

567.060: Promoting prostitution in the second degree

567.070: Promoting prostitution in the third degree

567.080: Prostitution houses deemed public nuisances

567.085: Promoting travel for prostitution--penalty

567.087: Prohibitions on travel agencies or tour operators--rebuttable presumption, advertisements

567.089: Offering travel for purpose of prostitution prohibited--penalties

567.090: Preemption and standardization

567.110: Persistent prostitution offender--penalty

567.120: HIV testing for persons arrested for a prostitution-related offense

567.010: Chapter definitions

As used in this chapter, the following terms mean:

(1) "Promoting prostitution", a person promotes prostitution if, acting other than as a prostitute or a patron of a prostitute, he knowingly

(a) Causes or aids a person to commit or engage in prostitution; or

(b) Procures or solicits patrons for prostitution; or

(c) Provides persons or premises for prostitution purposes; or

(d) Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or

(e) Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity; or

(f) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;

(2) "Prostitution", a person commits prostitution if he engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person;

(3) "Patronizing prostitution", a person patronizes prostitution if

(a) Pursuant to a prior understanding, he gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him or with another; or

(b) He gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him or with another; or

(c) He solicits or requests another person to engage in sexual conduct with him or with another, or to secure a third person to engage in sexual conduct with him or with another, in return for something of value;

(4) "Sexual conduct" occurs when there is

(a) "Sexual intercourse" which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or

(b) "Deviate sexual intercourse" which means any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or

- (c) "Sexual contact" which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party;
- (5) "Something of value" means any money or property, or any token, object or article exchangeable for money or property;
- (6) "Prostitution-related offense", any violation of state law for prostitution, patronizing prostitution or promoting prostitution;
- (7) "Persistent prostitution offender", a person is a persistent prostitution offender if they have pled guilty to or been found guilty of two or more prostitution-related offenses.

#### 567.020: Prostitution

1. A person commits the crime of prostitution if the person performs an act of prostitution.
2. Prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this crime.
3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.
4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

#### 567.030: Patronizing prostitution--penalty

1. A person commits the crime of patronizing prostitution if he patronizes prostitution.
2. It shall not be an affirmative defense that the defendant believed that the person he or she patronized for prostitution was eighteen years of age or older.
3. Patronizing prostitution is a class B misdemeanor, unless the individual who the person is patronizing is under the age of eighteen but older than the age of fourteen, in which case patronizing prostitution is a class A misdemeanor.
4. Patronizing prostitution is a class D felony if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

- (1) Statutory rape in the first degree pursuant to section 566.032, RSMo;
- (2) Statutory rape in the second degree pursuant to section 566.034, RSMo;
- (3) Statutory sodomy in the first degree pursuant to section 566.062, RSMo; or
- (4) Statutory sodomy in the second degree pursuant to section 566.064, RSMo.

#### 567.040: Prostitution and patronizing prostitution--sex of parties no defense, when

In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that

- (1) Both persons were of the same sex; or
- (2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

#### 567.050: Promoting prostitution in the first degree

1. A person commits the crime of promoting prostitution in the first degree if he knowingly
  - (1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or
  - (2) Promotes prostitution of a person less than sixteen years old.
2. The term "compelling" includes
  - (1) The use of forcible compulsion;
  - (2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;
  - (3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.
3. Promoting prostitution in the first degree is a class B felony.

567.060: Promoting prostitution in the second degree

1. A person commits the crime of promoting prostitution in the second degree if he knowingly 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.
2. Promoting prostitution in the second degree is a class C felony.

567.070: Promoting prostitution in the third degree

1. A person commits the crime of promoting prostitution in the third degree if he knowingly promotes prostitution.
2. Promoting prostitution in the third degree is a class D felony.

567.080: Prostitution houses deemed public nuisances

1. Any room, building or other structure regularly used for sexual contact for pay as defined in section 567.010 or any unlawful prostitution activity prohibited by this chapter is a public nuisance.
2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.
3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
4. Appeals shall be allowed from the judgment of the court as in other civil actions.

567.085: Promoting travel for prostitution--penalty

1. A person commits the crime of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.010.
2. The crime of promoting travel for prostitution is a class C felony.

567.087: Prohibitions on travel agencies or tour operators--rebuttable presumption, advertisements

1. No travel agency or charter tour operator shall:
  - (1) Promote travel for prostitution under section 567.085;
  - (2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:
    - (a) For the purpose of engaging in a commercial sex act as defined in section 566.200, RSMo;
    - (b) That consists of tourism packages or activities using and offering any sexual contact as defined

in section 566.010, RSMo, as enticement for tourism; or

(c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services.

2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include the term "sex tours" or "sex travel" or include depictions of human genitalia is in violation of this section.

567.089: Offering travel for purpose of prostitution prohibited--penalties

1. No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution.

2. Upon violation of this section by a travel agency or charter tour operator, the secretary of state shall revoke the articles of incorporation of the travel agency or charter tour operator. The secretary of state, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.

567.090: Preemption and standardization

The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by felony sections 567.050 through 567.070, to promote statewide control of prostitution, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by sections 567.050 through 567.070 subject to a criminal or civil penalty or sanction of any kind. Cities and towns may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil penalties or sanctions under other provisions of this chapter, but the provisions of such laws shall be the same and the authorized penalties or sanctions under such laws shall not be greater than those of this chapter. Cities and towns may also enact and enforce laws prohibiting and penalizing public solicitation of sexual conduct, whether or not the offer to engage in sexual conduct is in return for something of value, and health laws to prevent the spread of venereal diseases.

567.110: Persistent prostitution offender--penalty

Any person who pleads guilty to or is found guilty of a violation of section 567.020 or 567.030 and who is alleged and proved to be a persistent prostitution offender is guilty of a class D felony.

567.120: HIV testing for persons arrested for a prostitution-related offense

Any person arrested for a prostitution-related offense, who has a prior conviction of or has pled guilty to a prior prostitution-related offense, may, within the sound discretion of the court, be required to undergo HIV testing as a condition precedent to the issuance of bond for the offense.