

**TO:** Senator Tony Luetkemeyer, Chair, Senator Bob Onder, Vice-Chairman, and Honorable Members of the Senate Judiciary and Civil and Criminal Jurisprudence Committee

**FROM:** Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USAAdvocacy

**RE:** Missouri HB 2032: An act to repeal sections 211.031, 567.020, 573.010, and 589.414, RSMo, and to enact in lieu thereof eight new sections relating to child sex trafficking, with penalty provisions.

**DATE:** May 2, 2022

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Dear Senator Tony Luetkemeyer, Chair, Senator Bob Onder, Vice-Chairman, and Honorable Members of the Senate Judiciary and Civil and Criminal Jurisprudence Committee,

Thank you for allowing us to submit testimony in support of HB 2032, which would establish a Statewide Council on Sex Trafficking, require collaborative communication among law enforcement and service providers, and classify children as victims of trafficking and connect them to needed services. This legislation will not only bring long overdue support to survivors, but it will also greatly reduce the present danger to children in Missouri today by better framing the law to match the needs to victims.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USAAdvocacy, an advocacy organization dedicated to protecting children's civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

**I. Research on Trauma and Current Trends Support Reform for Child Sex Trafficking Victims**

**A. There is a Nationwide Epidemic of CSA and Trafficking Causing Lifelong Damage to Victims**

Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18. Child sexual abuse ("CSA"), including sex trafficking, is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic. Importantly, the National Center for Mission and Exploited Children estimates that 1 out of 6 children reported missing is "likely [a victim] of child sex trafficking" based on case information.

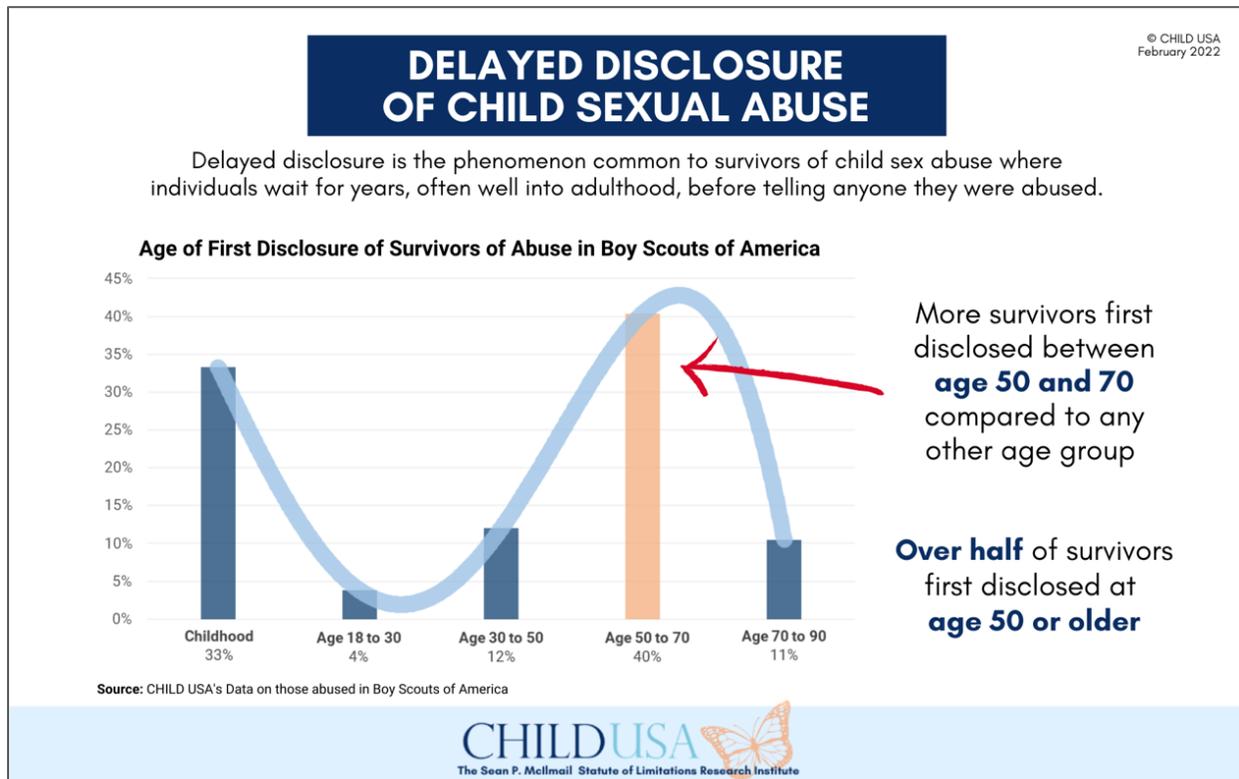


Trafficking is widespread in Missouri, and the reports of trafficking have almost doubled in recent years. In 2020, 267 cases of trafficking in Missouri were reported to the National Trafficking Hotline, and four new criminal prosecutions were brought for sex trafficking. The trauma stemming from CSA and trafficking is complex and individualized, and it impacts victims throughout their lifetimes:

- Childhood trauma, including CSA and trafficking, can have **devastating impacts on a child's brain**, including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD); and disability.
- CSA victims suffer an **increased risk of suicide**—in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to 11 times more likely to attempt suicide.
- CSA leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.

### **B. CSA Victims Commonly Delay Disclosure of Their Abuse for Decades**

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities. Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization. This impact is especially severe for victims of sex trafficking. Further, many injuries resulting from CSA do not manifest until survivors are well into adulthood. These manifestations may coincide with difficulties in functioning and a further delay in disclosure of abuse.



Moreover, disclosure of CSA, including trafficking, to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process, which involves the survivor knowing that he or she was abused, being willing to identify publicly as an abuse survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- **One-third** of CSA survivors **never report** their abuse to anyone.

For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse. To effectively protect children from abuse, Missouri's law must reflect this reality.

## II. **HB 2032 Serves the Public Good by Taking Steps to Protect Victims, Prevent Further Abuse, and Shift the Cost of Trafficking from the Victims to Those Who Perpetrate the Trafficking**

### A. **HB 2032 Protects Children by Recognizing Them As Victims, While Requiring Law Enforcement and Service Providers to Use Best Practices in Care**

HB 2032 will clarify that children who are involved in commercial sexual activity are victims worthy of protection, instead of criminals who need punishment. This change reflects Missouri's commitment to end child sex trafficking, while building a culture that supports victims, instead of

shaming them. This shift is necessary to support and validate victims, even if they cannot yet identify the ways they have been harmed. Mandating that law enforcement enlist children’s advocacy centers for forensic interviews, as well as utilize the least restrictive means to ensure a victim’s safety will connect victims with immediate, trauma-informed care. This connection will communicate to victims that Missouri stands with them.

CHILD USA also encourages the Legislature to amend HB 2032 to include provisions allowing adults who were convicted of prostitution as children the opportunity to vacate those convictions from their records, so that all victims of child sex trafficking in Missouri can be protected.

### **B. HB 2032’s Statewide Council Will Provide Much-Needed Research on Prevention Strategies and Victim Care**

HB 2032 will establish a Statewide Council on Sex Trafficking and Sexual Exploitation of Children, which would be responsible for gathering and analyzing research to identify best practices for identification, service provision and training for professionals responding to sex trafficking and sexual exploitation of children. CHILD USA commends Missouri for taking this step, as it will create much-needed avenues for collaboration across departments and disciplines.

To make the Council even more effective, CHILD USA encourages the Legislature to include victims of sex trafficking and sexual exploitation of children on its Council. This will ensure victims’ voices are included in the development of victim-centered practices, and it recommends that this Council reconvene annually after it expires on December 31, 2023 to act as a working group on evaluating its anti-trafficking practices. Requiring the Council to meet annually will position Missouri to stay on the leading edge of child sex trafficking prevention.

### **C. Criminalizing Patronizing Children for Sex Will Shift Some Costs of the Abuse From Victims to Those Who Caused or Encouraged the Abuse**

By creating a crime of patronizing sex from a person under age 18 and including it on the list of crimes that have no statute of limitation, the Missouri Legislature is holding accountable those who create a demand for sex trafficking in the first place. This action acknowledges a responsibility individuals have to not purchase children for sexual acts, and shifts the burden of such an act away from the victims. With this act, Missouri communicates that it will not tolerate sex trafficking, and that it will give victims the time that they need to come forward. By shining a light on traffickers and those who purchase sex trafficked children, Missouri will learn more about how trafficking happens and how to prevent it.

### **D. The Most Effective Remedy to Sex Trafficking and Child Sexual Abuse Is a Full and Complete Effort by All Sectors of Society**

HB 2032 is a giant leap towards an effective joint response to the problem of child sex trafficking. By joining the forces of the Statewide Council, Criminal Justice system and Child Advocacy Centers the state of Missouri is taking a critical and collective full-scale response to this devastating problem. This joint effort and collaborative objective increase the likelihood that children, who are the most vulnerable victims, receive the help they so deserve – from the criminal justice system, social services, and legislative branch, as well as many other sectors that provide vital services to the citizens of Missouri. We praise this “all hands on deck” child protective measure.

### III. Conclusion

Once again, we commend you for supporting this legislation, which is needed to validate adult survivors of trafficking and protect Missouri's children from preventable sex trafficking. Identifying children as victims and creating the crime of patronizing child sex trafficking is a positive step for Missouri's children and families. For more information about statute of limitations reform, visit [childusa.org/sol/](http://childusa.org/sol/) or email [info@childusa.org](mailto:info@childusa.org). Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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