

HCS SS SCS SB 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890 -- SEXUAL OFFENDERS

SPONSOR: Bartle (Lipke)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 13 to 0.

This substitute changes the laws regarding sexual offenders. In its main provisions, the substitute:

(1) Requires the State Highway Patrol to operate a toll-free telephone number to disseminate information regarding individuals registered as sexual offenders;

(2) Requires a licensed health care professional who delivers a baby or performs an abortion to report evidence of certain sexual crimes if he or she has prima facie evidence that a crime has been committed;

(3) Requires law enforcement officials to notify victims of reported sexual crimes that they have a right to request a no contact order be issued against the alleged perpetrator;

(4) Requires a persistent sexual offender to be imprisoned for the duration of the person's natural life without eligibility for probation or parole;

(5) Increases the penalty from a minimum of five years imprisonment to imprisonment for life with eligibility for parole for the crimes of forcible rape and forcible sodomy if the victim is younger than 12 years of age;

(6) Creates the crimes of attempting to commit forcible rape and attempting to commit forcible sodomy, punishable by a minimum of five years' imprisonment;

(7) Expands the crime of sexual contact with a student while on public school property to include perpetrators who are student teachers, employees of the school, volunteers of the school, or people employed by an entity that contracts with a public school district;

(8) Expands the crime of sexual misconduct to include knowingly exposing a person's genitals to another person without consent for the purpose of sexual gratification;

(9) Specifies that no sexual offender will be present or loiter within 500 feet of the property of any school or in any conveyance owned, leased, or contracted by a school when persons

younger than 18 years of age are present unless the offender is a parent, legal guardian, or custodian of the person and has obtained permission from the school administration;

(10) Increases the penalty for the crimes of enticement of a child or attempting to entice a child to a term of imprisonment of no less than five years;

(11) Creates the crime of sexual trafficking of a child younger than 12 years of age, a felony punishable by imprisonment for the duration of the person's natural life without eligibility for probation or parole until the person has served a minimum of 25 years' imprisonment;

(12) Limits the definition of "child abuse" to only those instances in which a person knowingly inflicts cruel and inhuman punishment on a person younger than 17 years of age;

(13) Creates the crime of aiding a sexual offender, a class D felony;

(14) Removes any individual's name from the sexual offender registry who committed nonsexual child abuse or was convicted of felonious restraint or kidnapping when the victim was a child and he or she was the parent or guardian of the child;

(15) Allows an individual who is required to register on the sexual offender registry for a crime that he or she committed when he or she was younger than 21 years of age or who has committed certain other crimes to petition to have his or her name removed;

(16) Establishes procedures for search warrants where notification of the existence of the search warrant causes an adverse result including danger to the life or physical safety of an individual, flight from prosecution, destruction or tampering with evidence, intimidation of witnesses, or serious jeopardy to an investigation;

(17) Specifies that records sought under a search warrant be produced within five business days of receipt of the warrant or a showing of good cause by a foreign corporation that an extension of time will not cause an adverse result;

(18) Specifies that any attempt made to quash a warrant must be made in the court that issues the warrant within the time required for the production of the records;

(19) Requires Missouri corporations providing electronic communication services, when served with a warrant from another

state, to produce records pertaining to customer identification, data stored by or on behalf of the customer, the customer's usage of those services, or the destination or content of the communications as if the warrant had been issued by a Missouri court;

(20) Gives immunity to Missouri corporations providing records sought under a search warrant as specified in the substitute;

(21) Allows the Board of Probation and Parole to access information on the home computer of a registered sexual offender;

(22) Requires sexual offenders to provide the date of their birth; their physical description and that of their vehicle; nature and dates of the offenses requiring the offender to register; and the date in which the offender was released from the Department of Health and Senior Services, prison, or jail or placed on parole, supervised release, or probation;

(23) Establishes conditions and procedures governing the conditional release of a sexual offender to provide outpatient treatment and monitoring to prevent the person from being returned to a facility of the Department of Mental Health because he or she is likely to commit more acts of sexual violence;

(24) Specifies that any individual who has been required to register on the sexual offender registry and commits a third registration violation will be guilty of a felony punishable by a term of imprisonment of not less than 10 years and not more than 30 years;

(25) Requires the Department of Public Safety to establish a program to distribute grants to multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies;

(26) Requires the Department of Corrections to notify the State Highway Patrol of any offender who is required to be electronically monitored; and

(27) Authorizes the Department of Public Safety to promulgate rules establishing recommended procedures for the issuance of missing endangered person advisories.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that the bill strengthens criminal penalties for sexual offenders and clarifies some of the registry requirements.

Testifying for the bill were Senator Bartle; and Office of the Attorney General.

OPPONENTS: Those who oppose the bill say that sexual offenders are less likely to be arrested for committing another offense than any other type of criminal. The offender's only options are to enter and remain in prison or to be mentally unsafe because treatment is not a viable option in the bill.

Testifying against the bill were Loretta Van Kort-Warm; and Motion Picture Association of America.

Kristina Jenkins, Legislative Analyst