

HOUSE

AMENDMENT NO. ___

Offered by

of

1 AMEND House Committee Substitute for House Bill No. 999, Pages 16
2 and 17, Section 589.408, Lines 1 to 7, by deleting all of said
3 lines and inserting in lieu thereof the following:

4 "589.408. 1. Any person who would otherwise be a Tier II
5 or Tier III offender may file a petition in the division of the
6 circuit court in the county in which the offense requiring
7 classification as a Tier II or Tier III offender was adjudicated
8 to have his or her classification lowered one Tier.

9 2. A person whose offense requiring classification in
10 Missouri as a Tier II or Tier III offender"; and

11 Further amend said bill, Page 17, Section 589.408, Lines 11
12 to 16, by deleting all of said lines and inserting in lieu
13 thereof the following:

14 "3. The petition shall be dismissed without prejudice if it
15 fails to include any of the"; and

16 Further amend said bill, Page 17, Section 589.408, Line 26,
17 by deleting all of said line and inserting in lieu thereof the
18 following:

19 "(2) The offense or offenses requiring classification as a
20 Tier II or Tier III offender"; and

21 Further amend said bill, Page 17, Section 589.408, Line 30,
22 by deleting all of said line and inserting in lieu thereof the
23 following: "adjudicated sex offense requiring classification as
24 a Tier II or Tier III offender"; and

25 Further amend said bill, Page 17, Section 589.408, Line 35,
26 by deleting all of said line and inserting in lieu thereof the
27 following:

28 "4. The petition shall name as respondents the Missouri
29 state highway patrol and"; and

Action Taken _____ Date _____

1 Further amend said bill, Page 17, Section 589.408, Lines 38
2 and 39, by deleting all of said lines and inserting in lieu
3 thereof the following:

4 "5. All proceedings under this section shall be governed
5 under the Missouri supreme court rules of civil procedure.

6 6. In making a determination as to whether the petition
7 should be granted the court shall, at a minimum, consider the
8 following factors:

9 (1) The seriousness of the offense should the offender
10 reoffend. This factor includes consideration of the following:

11 (a) The degree of likely force or harm;

12 (b) The degree of likely physical contact; and

13 (c) The age of the likely victim;

14 (2) The offender's prior offense history. This factor
15 includes consideration of the following:

16 (a) The relationship of prior victims to the offender;

17 (b) The number of prior sexual offenses or victims;

18 (c) The number of prior noncontact sexual offenses;

19 (d) The number of prior nonsexual violent offenses;

20 (e) The number of prior sentencing dates;

21 (f) The duration of the offender's prior offense history;

22 (g) The length of time since the offender's last prior
23 offense while the offender was at risk to commit offenses; and

24 (h) The offender's prior history of other antisocial acts;

25 (3) The offender's characteristics. This factor includes
26 consideration of the following:

27 (a) The offender's response to prior treatment efforts; and

28 (b) The offender's history of substance abuse;

29 (4) The availability of community supports to the offender.

30 This factor includes consideration of the following:

31 (a) The availability and likelihood that the offender will
32 be involved in therapeutic treatment;

33 (b) The availability of residential supports to the
34 offender, such as a stable and supervised living arrangement in
35 an appropriate location;

36 (c) The offender's familial and social relationships,
37 including the nature and length of these relationships and the

1 level of support that the offender may receive from these
2 persons; and

3 (d) The offender's lack of education or employment
4 stability;

5 (5) Whether the offender has indicated or credible evidence
6 in the record indicates that the offender will reoffend if
7 released into the community;

8 (6) Whether the offender had any unrelated victims;

9 (7) Whether the offender had any stranger victims;

10 (8) Whether the offender had any male victims;

11 (9) The current age of the offender;

12 (10) Whether the offender has ever lived with a lover for
13 at least two years; and

14 (11) Whether the offender demonstrates a physical condition
15 that minimizes the risk of reoffense, including but not limited
16 to, advanced age or a debilitating illness or physical
17 condition."; and

18 Further amend said bill, Page 17, Section 589.408, Line 41,
19 by deleting all of said line and inserting in lieu thereof the
20 following: "be given notice, by the person seeking a reduction
21 in classification, of"; and

22 Further amend said bill, Page 18, Section 589.408, Line 51,
23 by deleting all of said line and inserting in lieu thereof the
24 following: "crime for which the person was required to be
25 classified as a Tier II or Tier III offender of the"; and

26 Further amend said bill, Page 18, Section 589.408, Line 55,
27 by deleting all of said line and inserting in lieu thereof the
28 following: "from a Tier II offender to a Tier I offender or from
29 a Tier III offender to a Tier II offender unless it finds the
30 petitioner:"; and

31 Further amend said bill, Page 18, Section 589.408, Line 63,
32 by deleting all of said line and inserting in lieu thereof the
33 following: "II or Tier III offender, even if the offense was
34 punishable by less than one year imprisonment."; and

35 Further amend said bill, Page 18, Section 589.408, Lines 67
36 and 68, by deleting all of said lines and inserting in lieu
37 thereof the following:

1 "12. If it is found that the petition is denied a Tier II
2 offender may not file a new petition under this section until
3 five years have passed from the date of the adjudication
4 resulting in the denial of relief and a Tier III offender may not
5 file a new petition under this section until ten years have
6 passed from the date of the adjudication resulting in the denial
7 of relief."; and

8 Further amend said bill, Page 18, Section 589.408, Lines 70
9 and 71, by deleting all of said lines and inserting in lieu
10 thereof the following: "lowered, it shall enter judgment
11 directing the Missouri state highway patrol to change the
12 offender's classification either from a Tier II to a Tier I
13 offender or from a Tier III to a Tier II offender"; and

14 Further amend said bill, Page 20, Section 589.414, Line 67,
15 by deleting all of said line and inserting in lieu thereof the
16 following:

17 "(2) Any offender whose classification was changed to a
18 Tier I offender by court order under section 589.408;

19 (3) Any offender who is [registered for a crime where the
20 victim was less than eighteen"; and

21 Further amend said title, enacting clause and intersectional
22 references accordingly.