

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 999
96TH GENERAL ASSEMBLY

2082L.07C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, and to enact in lieu thereof ten new sections relating to sexual offender registration, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 43.650, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.408, and 589.414, to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the Internet which shall be open to the public and shall include a registered sexual offender search capability. **This web page shall only include the names and information for Tier II and III offenders. Tier I offenders' names and information shall not be included on this public web page but the patrol shall maintain a separate registry for Tier I offenders to which only law enforcement agencies shall have access and then only for a period of ten years.**

2. **Except as provided in subsections 5, 6, and 7 of this section,** the registered sexual offender search shall make it possible for any person using the Internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (1) The name and any known aliases of the offender;
- 19 (2) The date of birth and any known alias dates of birth of the offender;
- 20 (3) A physical description of the offender;
- 21 (4) The residence, temporary, work, and school addresses of the offender, including the
- 22 street address, city, county, state, and zip code;
- 23 (5) [Any photographs of the offender] **A current photograph of the individual to be**
- 24 **taken by the registering official;**
- 25 (6) A physical description of the offender's vehicles, including the year, make, model,
- 26 color, and license plate number;
- 27 (7) The nature and dates of all offenses qualifying the offender to register, **including the**
- 28 **tier level assigned to the offender under sections 589.400 to 589.425;**
- 29 (8) The date on which the offender was released from the department of mental health,
- 30 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying
- 31 the offender to register;
- 32 (9) Compliance status of the offender with the provisions of section 589.400 to 589.425;
- 33 [and]
- 34 (10) Any online identifiers, as defined in section 43.651, used by the person. Such
- 35 online identifiers shall not be included in the general profile of an offender on the web page and
- 36 shall only be available to a member of the public by a search using the specific online identifier
- 37 to determine if a match exists with a registered offender;
- 38 **(11) The original and most recent registration date of the offender;**
- 39 **(12) The status of the offender's term of incarceration, probation, or parole; and**
- 40 **(13) Whether the offender is a repeat offender due to having multiple adjudications**
- 41 **for separate offenses requiring registration under sections 589.400 to 589.425.**
- 42 **5. Although required to register under sections 589.400 to 589.425, if:**
- 43 **(1) There is no other offense for which the offender is required to register;**
- 44 **(2) The offender is not a repeat offender as a result of multiple adjudications for**
- 45 **the offenses listed in this subsection; and**
- 46 **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
- 47 **conduct occurred during the offense.**
- 48
- 49 **Then offenders committing felonious restraint of a nonsexual nature when the victim was**
- 50 **under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when**
- 51 **the victim was under the age of eighteen under section 565.110, are exempt from the public**
- 52 **notification requirements of this section.**
- 53 **6. Witnesses afforded federal protection required to register under sections 589.400**
- 54 **to 589.425, may be excluded from public notification under 18 U.S.C. Section 3521 et seq.**
- 55 **while under active federal protection.**

56 **7. Juveniles required to register under subdivision (5) of subsection 1 of section**
57 **589.400 are exempt from public notification to include out-of-state, federal, military, tribal,**
58 **territory, District of Columbia, or foreign country.**

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who[, since July 1, 1979,] has been or is hereafter convicted of, been
3 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
4 conspiring to commit [a felony] **an** offense [of chapter 566, including sexual trafficking of a
5 child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566
6 where the victim is a minor,] **listed in section 589.414** unless such person is [exempted] **exempt**
7 from registering under subsection **7 or 8** of this section **or section 589.401**; or

8 (2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been
9 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
10 conspiring to commit one or more of the following offenses: kidnapping when the victim was
11 a child and the defendant was not a parent or guardian of the child; abuse of a child under section
12 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and
13 the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with
14 a resident of a nursing home, under section 565.200; endangering the welfare of a child under
15 section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child,
16 under section 568.065; promoting prostitution in the first degree; promoting prostitution in the
17 second degree; promoting prostitution in the third degree; sexual exploitation of a minor;
18 promoting child pornography in the first degree; promoting child pornography in the second
19 degree; possession of child pornography; furnishing pornographic material to minors; public
20 display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity
21 in the first degree; promoting pornography for minors or obscenity in the second degree; incest;
22 use of a child in a sexual performance; or promoting sexual performance by a child; or

23 (3) Any person who[, since July 1, 1979,] has been committed to the department of
24 mental health as a criminal sexual psychopath; or

25 [(4)] (3) Any person who[, since July 1, 1979,] has been found not guilty as a result of
26 mental disease or defect of any offense listed in [subdivision (1) or (2) of this subsection] **section**
27 **589.414**; or

28 [(5)] (4) Any juvenile certified as an adult and transferred to a court of general
29 jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere
30 to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which
31 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which
32 shall include any attempt or conspiracy to commit such offense] **adjudicated of an offense**
33 **listed in section 589.414**; or

34 [(6)] (5) Any juvenile fourteen years of age or older at the time of the offense who has
35 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse

36 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
37 offense; **or**

38 [(7)] (6) Any person who is a resident of this state who has[, since July 1, 1979,] **been**
39 or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other
40 state, **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or
41 military jurisdiction to committing, attempting to commit, or conspiring to commit an offense
42 which, if committed in this state, would [be a violation of chapter 566, or a felony violation of
43 any offense listed in subdivision (2) of this subsection] **constitute an offense listed in section**
44 **589.414** or has been or is required to register in another state, **territory, the District of**
45 **Columbia, or foreign country**, or has been or is required to register under tribal, federal, or
46 military law; or

47 [(8)] (7) Any person who has been or is required to register in another state, **territory,**
48 **the District of Columbia, or foreign country** or has been or is required to register under tribal,
49 federal, or military law and who works or attends an educational institution, whether public or
50 private in nature, including any secondary school, trade school, professional school, or institution
51 of higher education on a full-time or on a part-time basis or has a temporary residence in
52 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
53 period.

54 2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business**
55 days of [conviction] **adjudication**, release from incarceration, or placement upon probation,
56 register with the chief law enforcement official of the county or city not within a county in which
57 such person resides unless such person has already registered in that county for the same offense.
58 **For any juvenile in subdivision (5) of subsection 1 of this section, within three business days**
59 **of adjudication or release from commitment to the division of youth services, the**
60 **department of mental health, or other placement, he or she shall register with the chief law**
61 **enforcement official of the county or city not within a county in which such person resides**
62 **unless such person has already registered in that county for the same offense.** Any person
63 to whom sections 589.400 to 589.425 apply if not currently registered in their county of
64 residence shall register with the chief law enforcement official of such county or city not within
65 a county within three **business** days. The chief law enforcement official shall forward a copy
66 of the registration form required by section 589.407 to a city, town, village, or campus law
67 enforcement agency located within the county of the chief law enforcement official[, if so
68 requested. Such request may ask the chief law enforcement official to forward copies of all
69 registration forms filed with such official. The chief law enforcement official may forward a
70 copy of such registration form to any city, town, village, or campus law enforcement agency, if
71 so requested].

72 3. The registration requirements of sections 589.400 through 589.425 are lifetime
73 registration requirements unless:

74 (1) All offenses requiring registration are reversed, vacated or set aside;

75 (2) The registrant is pardoned of the offenses requiring registration **in the state of**
76 **Missouri, or if not in Missouri, pardoned in another state, territory, the District of**
77 **Columbia, or foreign country and the pardon explicitly states that the person is relieved**
78 **of his or her duty to register as a sexual offender;**

79 (3) The registrant is no longer required to register and his or her name shall be removed
80 from the registry under the provisions of [subsection 6 of this] section **589.401**; or

81 (4) The [registrant may petition the court for removal or exemption from the registry
82 under subsection 7 or 8 of this section and the] court orders the removal or exemption of such
83 person from the registry **under section 589.401.**

84 4. For processing an initial sex offender registration the chief law enforcement officer
85 of the county or city not within a county may charge the offender registering a fee of up to ten
86 dollars.

87 5. For processing any change in registration required pursuant to section 589.414 the
88 chief law enforcement official of the county or city not within a county may charge the person
89 changing their registration a fee of five dollars for each change made after the initial registration.

90 **6. The following individuals shall be exempt from registering as a sexual offender:**
91 any person currently on the sexual offender registry **or who otherwise would be required to**
92 **register** for being convicted of, found guilty of, or pleading guilty or nolo contendere to
93 committing, attempting to commit, or conspiring to commit, felonious restraint **of a nonsexual**
94 **nature** when the victim was a child and he or she was the parent or guardian of the child,
95 nonsexual child abuse that was committed under section 568.060, or kidnapping **of a nonsexual**
96 **nature** when the victim was a child and he or she was the parent or guardian of the child shall
97 be removed from the registry. However, such person shall remain on the sexual offender registry
98 for any other offense for which he or she is required to register under sections 589.400 to
99 589.425.

100 **7. The following individuals shall be exempt from registering as a sexual offender**
101 **upon filing a petition with the court with jurisdiction under section 589.401, and that court**
102 **ordering the petitioner to be removed from the registry:**

103 (1) Any person currently on the sexual offender registry **or who otherwise would be**
104 **required to register** for [having been convicted of, found guilty of, or having pleaded guilty or
105 nolo contendere to committing, attempting to commit, or conspiring to commit promoting
106 prostitution in the second degree, promoting prostitution in the third degree, public display of
107 explicit sexual material, statutory rape in the second degree, and no physical force or threat of
108 physical force was used in the commission of the crime may file a petition in the civil division
109 of the circuit court in the county in which the offender was convicted or found guilty of or pled
110 guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the
111 offense or offenses for the removal of his or her name from the sexual offender registry after ten

112 years have passed from the date he or she was required to register] **a sexual offense involving**
113 **sexual conduct where no force or threat of force was directed toward the victim or any**
114 **other individual involved and:**

115 (a) **The victim was an adult, unless the adult was under the custodial authority of**
116 **the offender at the time of the offense; or**

117 (b) **The victim was eighteen years of age or younger and the offender was not more**
118 **than five years older than the victim at the time of the commission of the offense.**

119

120 **However, such person shall remain on the sexual offender registry for any other offense**
121 **for which he or she is required to register under sections 589.400 to 589.425; or**

122 (2) **Effective August 28, 2011, any person currently required to register for the**
123 **following sexual offenses, however, such person shall remain on the sexual offender**
124 **registry for any other offense for which he or she is required to register under sections**
125 **589.400 to 589.425:**

126 (a) **Sexual misconduct in the second degree under section 566.093;**

127 (b) **Sexual misconduct in the third degree under section 566.095;**

128 (c) **Promoting obscenity in the first degree under section 573.020;**

129 (d) **Promoting obscenity in the second degree under section 573.030;**

130 (e) **Furnishing pornographic materials to minors under section 573.040;**

131 (f) **Public display of explicit sexual material under section 573.060; or**

132 (g) **Coercing acceptance of obscene material under section 573.065.**

133 8. [Effective August 28, 2009,] Any person **currently** on the sexual offender registry
134 for having been convicted of, found guilty of, or having pled guilty or nolo contendere to [an
135 offense included under subsection 1 of this section may file a petition after two years have passed
136 from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to
137 the offense or offenses in the civil division of the circuit court in the county in which the offender
138 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
139 removal of his or her name from the registry if such person was nineteen years of age or younger
140 and the victim was thirteen years of age or older at the time of the offense and no physical force
141 or threat of physical force was used in the commission of the offense, unless such person meets
142 the qualifications of this subsection, and such person was eighteen years of age or younger at the
143 time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a
144 violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor,
145 in which case, such person may immediately file a petition to remove or exempt his or her name
146 from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere
147 to such offense] **committing, attempting to commit, or conspiring to commit a Tier I, II, or**
148 **juvenile Tier III offense or other comparable offense listed in section 589.414 may file a**
149 **petition under section 589.401.**

150 9. [(1) The court may grant such relief under subsection 7 or 8 of this section if such
151 person demonstrates to the court that he or she has complied with the provisions of this section
152 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
153 court in which the petition is filed must be given notice, by the person seeking removal or
154 exemption from the registry, of the petition to present evidence in opposition to the requested
155 relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of
156 the person seeking removal or exemption from the registry to notify the prosecuting attorney of
157 the petition shall result in an automatic denial of such person's petition. If the prosecuting
158 attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of
159 the crime for which the person was required to register of the petition and the dates and times
160 of any hearings or other proceedings in connection with that petition.

161 (2) If the petition is denied, such person shall wait at least twelve months before
162 petitioning the court again. If the court finds that the petitioner is entitled to relief, which
163 removes or exempts such person's name from the registry, a certified copy of the written findings
164 or order shall be forwarded by the court to the chief law enforcement official having jurisdiction
165 over the offender and to the Missouri state highway patrol in order to have such person's name
166 removed or exempted from the registry.

167 10.] Any nonresident worker **to include work as a volunteer or intern** or nonresident
168 student shall register for the duration of such person's employment or attendance at any school
169 **whether public or private in nature, including any secondary school, trade school,**
170 **professional school, or institution** of higher education [and is not entitled to relief under the
171 provisions of subsection 9 of this section] **on a full-time or part-time basis in Missouri unless**
172 **granted relief under section 589.401.** Any registered offender from another state who has a
173 temporary residence in this state and resides more than seven days in a twelve-month period shall
174 register for the duration of such person's temporary residency [and is not entitled to the
175 provisions of subsection 9 of this section] **unless granted relief under section 589.401.**

176 [11. Any person whose name is removed or exempted from the sexual offender registry
177 under subsection 7 or 8 of this section shall no longer be required to fulfill the registration
178 requirements of sections 589.400 to 589.425, unless such person is required to register for
179 committing another offense after being removed from the registry.]

589.401. 1. A person on the sexual offender registry may file a petition in the
2 **division of the circuit court in the county in which the offense requiring registration was**
3 **adjudicated to have his or her name removed from the sexual offender registry.**

4 **2. A person who is required to register in Missouri because of an adjudication that**
5 **was committed in another jurisdiction shall file their petition for removal according to the**
6 **laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or**
7 **foreign country in which their offense was adjudicated. Upon the grant of the petition for**
8 **removal in the jurisdiction where the offense was adjudicated, said judgment may be**

9 registered in this state by sending the information required in subsection 5 of this section
10 as well as one authenticated copy of the order granting removal from the sexual offender
11 registry in the jurisdiction where the offense was adjudicated, to the court in the county
12 in which the offender is required to register. On receipt of a request for registration
13 removal, the registering court shall cause the order to be filed as a foreign judgment,
14 together with one copy of the documents and information, regardless of their form. The
15 petitioner shall be responsible for costs associated with filing the petition.

16 3. A person required to register as a Tier III offender cannot file a petition under
17 this section unless the requirement to register results from a juvenile adjudication.

18 4. The petition shall be dismissed without prejudice if the following time periods
19 have not elapsed since the date the person was required to register:

20 (1) For a Tier I offense, ten years;

21 (2) For a Tier II offense, fifteen years;

22 (3) For a Tier III offense adjudicated as a juvenile, twenty-five years.

23 5. The petition shall be dismissed without prejudice if it fails to include any of the
24 following:

25 (1) The petitioner's:

26 (a) Full name;

27 (b) Sex;

28 (c) Race;

29 (d) Date of birth;

30 (e) Last four digits of the Social Security number;

31 (f) Address;

32 (g) Place of employment, school, or volunteer status;

33 (2) The offense and tier of the offense that required the petitioner to register;

34 (3) The date the petitioner plead to, was convicted of or was adjudicated for the
35 offense;

36 (4) The date the petitioner was required to register;

37 (5) The case number and court, including county, that entered the original order
38 for the adjudicated sex offense;

39 (6) Petitioner's fingerprints on an applicant fingerprint card;

40 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
41 vacated or set aside, an authenticated copy of the order;

42 (8) If the petitioner is currently registered under applicable law and has not been
43 adjudicated for failure to register in any jurisdiction and does not have any charges
44 pending for failure to register.

45 **6. The petition shall name as respondents the Missouri state highway patrol and**
46 **the chief law enforcement official in the county or city not within a county in which the**
47 **petition is filed.**

48 **7. All proceedings under this section shall be governed under the Missouri supreme**
49 **court rules of civil procedure.**

50 **8. The prosecuting attorney in the circuit court in which the petition is filed must**
51 **be given notice, by the person seeking removal or exemption from the registry, of the**
52 **petition to present evidence in opposition to the requested relief or may otherwise**
53 **demonstrate the reasons why the petition should be denied. Failure of the person seeking**
54 **removal or exemption from the registry to notify the prosecuting attorney of the petition**
55 **shall result in an automatic denial of such person's petition.**

56 **9. The prosecuting attorney in the circuit court in which the petition is filed shall**
57 **have access to all applicable records concerning the petitioner including but not limited to**
58 **criminal history records, mental health records, juvenile records, and records of the**
59 **department of corrections and/or probation and parole.**

60 **10. The prosecuting attorney shall make reasonable efforts to notify the victim of**
61 **the crime for which the person was required to register of the petition and the dates and**
62 **times of any hearings or other proceedings in connection with that petition.**

63 **11. The court shall not enter an order directing the removal of the petitioner's name**
64 **from the sexual offender registry unless it finds the petitioner:**

65 **(1) Has not been adjudicated of or have charges pending for any additional**
66 **nonsexual offense for which imprisonment for more than one year may be imposed since**
67 **the date that the offender was required to register for their current tier level;**

68 **(2) Has not been adjudicated of or have charges pending for any additional sex**
69 **offense that would require registration under sections 589.400 to 589.425 since the date**
70 **that the offender was required to register for their current tier level, even if the offense was**
71 **punishable by less than one year imprisonment;**

72 **(3) Has successfully completed any required periods of supervised release,**
73 **probation, or parole without revocation since the date that the offender was required to**
74 **register for their current tier level;**

75 **(4) Has successfully completed an appropriate sex offender treatment program as**
76 **approved by a court of jurisdiction or the Missouri department of corrections; and**

77 **(5) Is not a current or potential threat to public safety.**

78 **12. In order to prove the facts required by subdivisions (1) and (2) of subsection 11**
79 **of this section, the fingerprints filed in the case shall be examined by the Missouri state**
80 **highway patrol.**

81 **13. If it is found that the petition is denied due to a violation of subdivision (1) or**
82 **(2) of subsection 11 of this section then the petitioner may not file a new petition under this**
83 **section until:**

84 **(1) Ten years have passed from the date of the adjudication resulting in the denial**
85 **of relief, if the petitioner is classified as a Tier I offender;**

86 **(2) Fifteen years have passed from the date of adjudication resulting in the denial**
87 **of relief, if the petitioner is classified as a Tier II offender; or**

88 **(3) Twenty-five years have passed from the date of the adjudication resulting in the**
89 **denial of relief, if the petitioner is classified as a Tier III offender on the basis of a juvenile**
90 **adjudication.**

91 **14. If the petition is denied for reasons other than those outlined in subdivision (1)**
92 **or (2) of subsection 11 of this section, no successive petition requesting such relief shall be**
93 **filed for at least five years from the date the judgment denying relief is entered.**

94 **15. If the court finds that the petitioner is entitled to have his or her name removed**
95 **from the sexual offender registry, it shall enter judgment directing the Missouri state**
96 **highway patrol to remove the name within three business days of receiving the judgment.**
97 **A copy of the judgment shall be provided to the respondents named in the petition.**

98 **16. Any person subject to judgment requiring his or her name to be removed from**
99 **the sexual offender registry is not required to register under sections 589.400 to 589.425**
100 **unless such person is required to register for an offense that was committed after the**
101 **judgment of removal was entered.**

102 **17. The court may deny the petition for any legitimate legal justification.**

589.402. 1. The chief law enforcement officer of the county or city not within a county
2 may maintain a web page on the Internet, which shall be open to the public and shall include a
3 registered sexual offender search capability. **This web page shall only include the names and**
4 **information for Tier II and III offenders. Tier I offenders names and information shall not**
5 **be included on this public web page.**

6 **2. Except as provided by subsections 5 and 6 of this section** the registered sexual
7 offender search [shall] **may** make it possible for any person using the Internet to search for and
8 find the information specified in subsection 3 of this section, if known, on **Tier II and III**
9 offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only
10 persons who have been convicted of, found guilty of, or plead guilty to committing, attempting
11 to commit, or conspiring to commit sexual offenses shall be included on this website].

12 **3. Only the information listed in this subsection [shall] may be provided to the public**
13 **in the registered sexual offender search:**

14 **(1) The name and any known aliases of the offender;**

15 **(2) The date of birth and any known alias dates of birth of the offender;**

16 **(3) A physical description of the offender;**

17 (4) The residence, temporary, work, and school addresses of the offender, including the
18 street address, city, county, state, and zip code;

19 (5) [Any photographs of the offender] **A current photograph of the individual to be**
20 **taken by the registering official;**

21 (6) A physical description of the offender's vehicles, including the year, make, model,
22 color, and license plate number;

23 (7) The nature and dates of all offenses qualifying the offender to register, **including the**
24 **Tier level assigned to the offender under sections 589.400 to 589.425;**

25 (8) The date on which the offender was released from the department of mental health,
26 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying
27 the offender to register;

28 (9) Compliance status of the offender with the provisions of sections 589.400 to
29 589.425; [and]

30 (10) Any online identifiers, as defined in section 43.651, used by the person. Such online
31 identifiers shall not be included in the general profile of an offender on the web page and shall
32 only be available to a member of the public by a search using the specific online identifier to
33 determine if a match exists with a registered offender;

34 **(11) The original registration date and most recent registration date of the**
35 **offender;**

36 **(12) The status of the offender's term of incarceration, probation, or parole; and**

37 **(13) Whether the offender is a repeat offender due to having multiple adjudications**
38 **for separate offenses requiring registration under sections 589.400 to 589.425.**

39 4. The chief law enforcement officer of any county or city not within a county may
40 publish in any newspaper distributed in the county or city not within a county the sexual offender
41 information provided under subsection 3 of this section for any **Tier II or III** offender residing
42 in the county or city not within a county.

43 **5. Although required to register under sections 589.400 to 589.425, if:**

44 **(1) There is no other offense for which the offender is required to register;**

45 **(2) The offender is not a repeat offender as a result of multiple adjudications for**
46 **the offenses listed in this subsection; and**

47 **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
48 **conduct, occurred during the offense.**

49

50 **Then offenders committing felonious restraint of a nonsexual nature when the victim was**
51 **under the age of eighteen under section 565.120, or kidnapping of a nonsexual in nature**
52 **when the victim was under the age of eighteen under section 565.110, are exempt from the**
53 **public notification requirements of this section.**

54 **6. Witnesses afforded federal protection required to register under sections 589.400**
55 **to 589.425, may be excluded from public notification under 18 U.S.C. Section 3521 et seq.**
56 **while under active federal protection.**

57 **7. Juveniles required to register under subdivision (5) of subsection 1 of section**
58 **589.400 are exempt from public notification to include out-of-state, federal, military, tribal,**
59 **territory, District of Columbia, or foreign country.**

589.403. **1. Any person [to whom subsection 1 of section 589.400 applies] who is**
2 **required to register under sections 589.400 to 589.425** who is paroled, discharged, or
3 otherwise released from any correctional facility of the department of corrections [or], any
4 mental health institution, **private jail under section 221.095, or other private facility**
5 **recognized by or contracted with the department of corrections or department of mental**
6 **health** where such person was confined shall:

7 **(1) If the person plans to reside in Missouri,** be informed by the official in charge of
8 such correctional facility or mental health institution of the person's possible duty to register
9 pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to
10 sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health
11 institution shall complete the initial registration **notification at least seven days** prior to release
12 and forward the offender's registration, within three business days **of release, to the Missouri**
13 **state highway patrol and** to the chief law enforcement official of the county or city not within
14 a county where the person expects to reside upon discharge, parole or release[. When the person
15 lists an address where he or she expects to reside that is not in this state, the initial registration
16 shall be forwarded to the Missouri state highway patrol.] ; or

17 **(2) If the person does not reside or plan to reside in Missouri, be informed by the**
18 **official in charge of such correctional facility or mental health institution of the person's**
19 **possible duty to register under sections 589.400 to 589.425. If such person is required to**
20 **register under sections 589.400 to 589.425, the official in charge of the correctional facility**
21 **or the mental health institution shall complete the initial registration notification at least**
22 **seven days prior to release and forward the offender's registration within three business**
23 **days of release to the Missouri state highway patrol and chief law enforcement official**
24 **within the county that the correctional facility or mental health institution is located.**

25 **2. If the offender refuses to complete and sign the registration information as**
26 **outlined in this section, or fails to register with the chief law enforcement official within**
27 **three business days as directed, it will constitute an offense of failure to register under**
28 **section 589.425.**

589.404. As used in sections 589.400 to 589.425 the following terms mean:

2 **(1) "Absconder", a sex offender who has failed to register and whose whereabouts**
3 **are unknown;**

4 (2) "Adjudication", a plea of guilt, finding of guilt, finding of not guilty due to
5 mental disease or defect, plea of nolo contendere to committing, attempting to commit, or
6 conspiring to commit;

7 (3) "Employee", includes an individual who is self-employed or works for any other
8 entity, whether compensated or not. This definition includes working as a volunteer or
9 unpaid intern;

10 (4) "Habitually lives", when an offender is classified as homeless, the place where
11 the offender habitually lives shall be defined as information about a certain part of a city,
12 town, or county that is the sex offender's habitual locale, a park, or spot on the street, or
13 a number of such places, where the sex offender stations himself or herself during the day
14 or sleeps at night, shelters among which the sex offender circulates, or places in public
15 buildings, restaurants, libraries, or other establishments that the sex offender frequents;

16 (5) "Habitually located", in regard to means of transportation, the place where a
17 vehicle, watercraft, or aircraft is normally located when not in use;

18 (6) "Noncompliant", a sexual offender who has not completed or updated his or her
19 information and is not compliant with the chief law enforcement officer in the county in
20 which they reside;

21 (7) "Offender registration", defines the required minimum informational content
22 of sex offender registries and will consist of but will not be limited to, a full set of
23 fingerprints on a standard sex offender registration card upon initial registration in
24 Missouri, as well as all other forms required by the Missouri state highway patrol upon
25 each initial and subsequent registration;

26 (8) "Residence", is defined as any place where an offender sleeps for seven or more
27 consecutive or nonconsecutive days or nights within a twelve-month period;

28 (9) "Sexual act", any type or degree of genital, oral, or anal penetration;

29 (10) "Sexual contact", any sexual touching of or contact with a person's body,
30 either directly or through the clothing;

31 (11) "Sexual element", used for the purposes of distinguishing if sexual contact or
32 a sexual act was committed. Authorities will refer to information filed by the prosecutor,
33 amended information filed by the prosecutor, indictment information filed by the
34 prosecutor, or amended indictment information filed by the prosecutor, plea agreement,
35 or court documentation to determine if a sexual element exists;

36 (12) "Sex offender", any person who meets the criteria to register under sections
37 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the
38 Adam Walsh Child Protection and Safety Act of 2006 (Public Law 248-109);

39 (13) "Sex offense", any offense which is listed in section 589.414 or comparable to
40 those listed in section 589.414 or otherwise comparable to offenses covered under the Sex

41 **Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection**
42 **and Safety Act of 2006 (Public Law 248-109);**

43 (14) "Signature", the name of the offender signed in writing or electronic form
44 approved by the Missouri state highway patrol;

45 (15) "Student", an individual who enrolls in or attends the physical location of an
46 educational institution, including (whether public or private) a secondary school, trade or
47 professional school, and institutions of higher education;

48 (16) "Vehicle", any land vehicle, watercraft, or aircraft.

589.405. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**
2 **required to register under sections 589.400 to 589.425** who is released on probation,
3 discharged upon payment of a fine, or released after confinement in a county jail shall, prior to
4 such release or discharge, be informed of the possible duty to register pursuant to sections
5 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to
6 register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall
7 [obtain the address where the person expects to reside upon discharge, parole or release and
8 shall] **make it a condition of probation that the offender** report within three business days[,
9 such address] to the chief law enforcement official of the county **of adjudication** or city not
10 within a county [where the person expects to reside, upon discharge, parole or release] **of**
11 **adjudication, to complete the initial registration. If such offender is not placed on**
12 **probation the court shall:**

13 (1) **If the offender resides in Missouri, complete the initial notification of duty to**
14 **register form approved by the state judicial records committee and Missouri state highway**
15 **patrol and forward the form within three business days to the Missouri state highway**
16 **patrol and the chief law enforcement official in the county in which the offender resides;**

17 (2) **If the offender does not reside in Missouri, the court shall:**

18 (a) **Order the offender to proceed directly to the chief law enforcement official in**
19 **the county where the adjudication was heard to register as outlined in sections 589.400 to**
20 **589.425; and**

21 (b) **Complete the initial notification of duty to register form approved by the state**
22 **judicial records committee and Missouri state highway patrol and forward the form within**
23 **three business days to the Missouri state highway patrol and the chief law enforcement**
24 **official in the county where the offender was adjudicated.**

25 2. **If the offender refuses to complete and sign the registration information as**
26 **outlined in subsection 1 of this section or if the offender resides outside of Missouri and**
27 **fails to directly report to the chief law enforcement official as outlined in subsection 2 of**
28 **this section, it will constitute an offense of failure to register under section 589.425.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of
2 completion of an offender registration form developed by the Missouri state highway patrol **or**

3 **other format approved by the Missouri state highway patrol. Such form will consist of a**
4 **statement in writing, including the signature of the offender and** shall include, but is not
5 limited to the following:

6 (1) [A statement in writing signed by the person, giving the name, address, Social
7 Security number and phone number of the person, the license plate number and vehicle
8 description, including the year, make, model, and color of each vehicle owned or operated by the
9 offender, any online identifiers, as defined in section 43.651, used by the person, the place of
10 employment of such person, enrollment within any institutions of higher education, the crime
11 which requires registration, whether the person was sentenced as a persistent or predatory
12 offender pursuant to section 558.018, the date, place, and a brief description of such crime, the
13 date and place of the conviction or plea regarding such crime, the age and gender of the victim
14 at the time of the offense and whether the person successfully completed the Missouri sexual
15 offender program pursuant to section 589.040, if applicable;] **The full name of the individual**
16 **to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used,**
17 **regardless of the context in which they are used;**

18 (2) **The date of birth of the individual to include any alias date of births used;**

19 (3) **The address of the individual's residences or, if the individual is deemed**
20 **homeless under section 589.414, the names and addresses of habitual locales frequented**
21 **during the day and night to include any temporary homeless shelter or other temporary**
22 **residence;**

23 (4) **The name and fixed address of the individual's employers, to include any place**
24 **where the individual serves as a volunteer or unpaid intern. If the individual's place of**
25 **employment is not fixed, the places where the individual works with whatever definiteness**
26 **is possible under the circumstances shall be required, such as information about normal**
27 **travel routes or the general areas in which the individual works;**

28 (5) **The name and address of any institutions of higher education that the individual**
29 **attends;**

30 (6) **The Social Security number of the individual including any alias Social Security**
31 **numbers used;**

32 (7) **The telephone numbers of the individual including all landline and cellular**
33 **telephone numbers used;**

34 (8) **The license plate number, registration number, vehicle identification number,**
35 **and vehicle description, including the year, make, model, color, and habitual location of**
36 **each vehicle owned or operated by the individual for personal or work use;**

37 (9) **Any online identifiers as defined in section 43.651 which are used by the**
38 **individual for personal purposes;**

39 (10) **The crime for which the individual is registering including whether the person**
40 **was sentenced as a persistent or predatory offender under section 558.018;**

41 **(11) The date, place, a brief description of the crime including the date and place**
42 **of the adjudication regarding such crime;**

43 **(12) The age and gender of the victim at the time of the offense;**

44 **(13) The date the individual successfully completed the Missouri sexual offender**
45 **program under section 589.040 or that the program was not successfully completed;**

46 **(14) The status of the individual's parole, probation, or supervised release, if**
47 **applicable;**

48 **(15) Passport and immigration numbers to include expiration dates;**

49 **(16) The physical description of the sex offender to include the physical appearance**
50 **or characteristics, and identifying marks such as scars, marks, or tattoos.**

51 **2. The following shall be included with the form:**

52 **(1) Copies of all of the individual's passport or immigration documents;**

53 **(2) The fingerprints, palm prints, and a photograph of the person; [and]**

54 **(3) A current photograph of the individual to be taken by the registering official;**

55 **and**

56 ~~[(3)]~~ **(4) A DNA sample from the individual, if a sample has not already been obtained.**

57 **[2.] 3. The offender shall provide positive identification and documentation to**
58 **substantiate the accuracy of the information completed on the offender registration form,**
59 **including but not limited to the following:**

60 **(1) A photocopy of a valid driver's license or nondriver's identification card;**

61 **(2) A document verifying proof of the offender's residency; and**

62 **(3) A photocopy of the vehicle registration for each of the offender's vehicles.**

63 **4. The Missouri state highway patrol shall maintain all required registration**
64 **information in digitized form.**

65 **5. Upon receipt of any changes to an offender's registration information contained**
66 **in this section, the Missouri state highway patrol shall immediately notify all other**
67 **jurisdictions in which the offender is either registered or required to register.**

68 **6. The offender shall be responsible for reviewing their existing registration**
69 **information for accuracy at every regular in person appearance and if any inaccuracies**
70 **are found provide proof of the information in question.**

71 **7. The signed offender registration form shall serve as proof that the individual**
72 **understands his or her duty to register as a sexual offender under sections 589.400 to**
73 **589.425 and a statement to this effect will be included on the form that the individual is**
74 **required to sign at each registration.**

589.408. 1. Any person who would otherwise be a Tier III offender whose offense
2 **did not involve the use of force or threat of force and whose victim was eighteen years of**
3 **age or younger at the time of the commission of the offense and who was not more than five**
4 **years older than the victim, may file a petition in the division of the circuit court in the**

5 county in which the offense requiring classification as a Tier III offender was adjudicated
6 to have his or her classification changed to a Tier II offender.

7 **2. A person whose offense requiring classification in Missouri as a Tier III offender**
8 **was adjudicated in another jurisdiction shall file his or her petition in the court in the**
9 **county in which the offender is required to register. The petitioner shall be responsible for**
10 **costs associated with filing the petition.**

11 **3. The petition shall be dismissed with prejudice if:**

12 **(1) The offense requiring classification as a Tier III offender involved the use of**
13 **force or the threat of force;**

14 **(2) The victim was more than eighteen years of age; or**

15 **(3) The offender was more than five years older than the victim.**

16 **4. The petition shall be dismissed without prejudice if it fails to include any of the**
17 **following:**

18 **(1) The petitioner's:**

19 **(a) Full name;**

20 **(b) Sex;**

21 **(c) Race;**

22 **(d) Date of birth;**

23 **(e) Last four digits of the Social Security number;**

24 **(f) Address;**

25 **(g) Place of employment, school, or volunteer status;**

26 **(2) The offense or offenses requiring classification as a Tier III offender;**

27 **(3) All offenses that required the petitioner to register;**

28 **(4) The date the petitioner was required to register;**

29 **(5) The case number and court, including county, that entered the order for the**
30 **adjudicated sex offense requiring classification as a Tier III offender;**

31 **(6) Petitioner's fingerprints on an applicant fingerprint card;**

32 **(7) If the petitioner is currently registered under applicable law and has not been**
33 **adjudicated for failure to register in any jurisdiction and does not have any charges**
34 **pending for failure to register.**

35 **5. The petition shall name as respondents the Missouri state highway patrol and**
36 **the chief law enforcement official in the county or city not within a county in which the**
37 **petition is filed.**

38 **6. All proceedings under this section shall be governed under the Missouri supreme**
39 **court rules of civil procedure.**

40 **7. The prosecuting attorney in the circuit court in which the petition is filed shall**
41 **be given notice, by the person seeking a reduction in classification to a Tier II offender, of**
42 **the petition to present evidence in opposition to the requested relief or may otherwise**

43 **demonstrate the reasons why the petition should be denied. Failure of the person seeking**
44 **a reduction in classification level to notify the prosecuting attorney of the petition shall**
45 **result in an automatic denial of such person's petition.**

46 **8. The prosecuting attorney in the circuit court in which the petition is filed shall**
47 **have access to all applicable records concerning the petitioner including but not limited to**
48 **criminal history records, mental health records, juvenile records, and records of the**
49 **department of corrections and/or probation and parole.**

50 **9. The prosecuting attorney shall make reasonable efforts to notify the victim of the**
51 **crime for which the person was required to be classified as a Tier III offender of the**
52 **petition and the dates and times of any hearings or other proceedings in connection with**
53 **that petition.**

54 **10. The court shall not enter an order directing the lowering of the classification**
55 **from a Tier III offender to a Tier II offender unless it finds the petitioner:**

56 **(1) Has not been adjudicated of or have charges pending for any additional**
57 **nonsexual offense for which imprisonment for more than one year may be imposed since**
58 **the date that the offender was required to register for the offense requiring classification**
59 **as a Tier III offender;**

60 **(2) Has not been adjudicated of or have charges pending for any additional sex**
61 **offense that would require registration under sections 589.400 to 589.425 since the date**
62 **that the offender was required to register for the offense requiring classification as a Tier**
63 **III offender, even if the offense was punishable by less than one year imprisonment.**

64 **11. In order to prove the facts required by subdivisions (1) and (2) of subsection 10**
65 **of this section, the fingerprints filed in the case shall be examined by the Missouri state**
66 **highway patrol.**

67 **12. If it is found that the petition is denied the petitioner may not file a new petition**
68 **under this section.**

69 **13. If the court finds that the petitioner is entitled to have his or her classification**
70 **lowered from a Tier III offender to a Tier II offender, it shall enter judgment directing the**
71 **Missouri state highway patrol to change the offender's classification to a Tier II offender**
72 **within three business days of receiving the judgment. A copy of the judgment shall be**
73 **provided to the respondents named in the petition.**

74 **14. The court may deny the petition for any legitimate legal justification.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not
2 later than three business days [after each change of name, residence within the county or city not
3 within a county at which the offender is registered, employment, or student status,] appear in
4 person to the chief law enforcement officer of the county or city not within a county [and inform
5 such officer of all changes in the information required by the offender. The chief law
6 enforcement officer shall immediately forward the registrant changes to the Missouri state

7 highway patrol within three business days] **if there is a change to any of the following**
8 **information:**

9 (1) **Name;**

10 (2) **Residence;**

11 (3) **Employment;**

12 (4) **Student status; or**

13 (5) **A termination to any of the items listed in this subsection.**

14 **2. Any person required to register under sections 589.400 to 589.425 shall within**
15 **three business days after a change, notify the chief law enforcement officer of the county**
16 **or city not within a county of any changes to the following information:**

17 (1) **For Tier I, II and III offenders, vehicle information;**

18 (2) **For Tier III offenders only, temporary lodging information;**

19 (3) **For Tier I, II and III offenders, temporary residence information;**

20 (4) **For Tier I, II and III offenders, email addresses, instant messaging addresses,**
21 **and any other designations used in internet communications, postings, or telephone**
22 **communications.**

23 **3. The chief law enforcement official in the county or city not within a county shall**
24 **immediately forward the registration changes described in subsections 1 and 2 of this**
25 **section to the Missouri state highway patrol within three business days.**

26 [2.] **4. If any person required by sections 589.400 to 589.425 to register changes such**
27 **person's residence or address to a different county or city not within a county, the person shall**
28 **appear in person and shall inform both the chief law enforcement official with whom the person**
29 **last registered and the chief law enforcement official of the county or city not within a county**
30 **having jurisdiction over the new residence or address in writing within three business days of**
31 **such new address and phone number, if the phone number is also changed. If any person**
32 **required by sections 589.400 to 589.425 to register changes their state, or foreign country, or**
33 **federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall**
34 **inform both the chief law enforcement official with whom the person was last registered and the**
35 **chief law enforcement official of the area in the new state, or foreign country, or federal,**
36 **tribal, or military jurisdiction having jurisdiction over the new residence or address within**
37 **three business days of such new address. Whenever a registrant changes residence, the chief law**
38 **enforcement official of the county or city not within a county where the person was previously**
39 **registered shall inform the Missouri state highway patrol of the change within three business**
40 **days. When the registrant is changing the residence to a new state or foreign country, or**
41 **federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the**
42 **responsible official in the new state, or foreign country, or federal, tribal, or military**
43 **jurisdiction of residence within three business days.**

44 [3.] **5. Tier I sexual offenders**, in addition to the requirements of subsections 1 [and 2]
45 **to 4** of this section, [the following offenders] shall report in person to the chief law enforcement
46 [agency every ninety days] **official annually in the month of their birth** to verify the
47 information contained in their statement made pursuant to section 589.407. **Tier I sexual**
48 **offenders include:**

49 (1) [Any offender registered as a predatory or persistent sexual offender under the
50 definitions found in section 558.018;] **Any offender who has been convicted of, found guilty**
51 **of, or has pled guilty or nolo contendere to committing, attempting to commit, or**
52 **conspiring to commit the crime of:**

53 (a) **Felonious restraint when there is sexual motivation under section 565.120;**

54 (b) **Skilled nursing facility residents, sexual contact or intercourse with under**
55 **section 565.200;**

56 (c) **Invasion of privacy first degree under section 565.252;**

57 (d) **Invasion of privacy second degree under section 565.253;**

58 (e) **Child molestation second degree when the victim is fourteen to seventeen years**
59 **of age under section 566.068;**

60 (f) **Sexual misconduct involving a child under section 566.083;**

61 (g) **Sexual misconduct in the first degree under section 566.090;**

62 (h) **Sexual contact with prisoner or offender under section 566.145;**

63 (i) **Age misrepresentation under section 566.153;**

64 (j) **Endangering the welfare of a child in the second degree when it is sexual in**
65 **nature and when the victim is fourteen to seventeen years of age under section 568.050; or**

66 (k) **Possession of child pornography under section 537.037;**

67 (2) Any offender who is [registered for a crime where the victim was less than eighteen
68 years of age at the time of the offense; and] **or has been convicted of, been found guilty of, or**
69 **pled guilty or nolo contendere in any other state, territory, or the District of Columbia, or**
70 **foreign country, or under federal, tribal, or military jurisdiction to committing, attempting**
71 **to commit, or conspiring to commit an offense of a sexual nature or with a sexual element**
72 **that is comparable to the Tier I sexual offenses listed in this subsection or, if not**
73 **comparable to those in this subsection, comparable to those described as Tier I offenses**
74 **under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child**
75 **Protection and Safety Act of 2006 (Public Law 248-109).**

76 [(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425
77 of failing to register or submitting false information when registering.

78 4.] **6. Tier II sexual offenders**, in addition to the requirements of subsections 1 [and 2]
79 **to 4** of this section, [all registrants] shall report [semiannually] in person in the month of their
80 birth [and six months thereafter] to the chief law enforcement [agency] **official** to verify the
81 information contained in their statement made pursuant to section 589.407 **and six months**

82 thereafter, shall report by mail, on a form to be provided by the Missouri state highway
83 patrol, to update any change in information or to indicate that there has been no change.
84 This form shall require the signature of the offender. [All registrants shall allow the chief law
85 enforcement officer to take a current photograph of the offender in the month of his or her birth
86 to the chief law enforcement agency.] **Tier II sexual offenders include:**

87 (1) Any offender who has been convicted of, found guilty of, or has pled guilty or
88 nolo contendere to committing, attempting to commit, or conspiring to commit the crime
89 of:

90 (a) Statutory rape in the second degree under section 566.034;

91 (b) Statutory sodomy in the second degree under section 566.064;

92 (c) Child molestation in the first degree when the victim is fourteen to seventeen
93 years of age under section 566.067;

94 (d) Sexual contact with a student while on public school property when the victim
95 is fourteen to seventeen years of age under section 566.086;

96 (e) Sexual abuse when the victim is fourteen years of age or older under section
97 566.100;

98 (f) Enticement of a child under section 566.151;

99 (g) Trafficking for the purpose of sexual exploitation under section 566.209;

100 (h) Child molestation in the second degree when the victim is under fourteen years
101 of age under section 566.068;

102 (i) Promoting prostitution in the second degree when the victim is under eighteen
103 years of age under section 567.060;

104 (j) Promoting prostitution in the third degree when the victim is under eighteen
105 years of age under section 567.070;

106 (k) Endangering the welfare of a child in the first degree when there is sexual
107 conduct or sexual contact with a victim fourteen to seventeen years of age under section
108 568.045;

109 (l) Endangering the welfare of a child in the second degree when the offense is
110 sexual in nature and the victim is under thirteen years of age under section 568.050;

111 (m) Abuse of a child when the offense is sexual in nature under section 568.060;

112 (n) Genital mutilation of a female child under section 568.065;

113 (o) Child used in sexual performance under section 568.080;

114 (p) Promoting sexual performance by a child under section 568.090;

115 (q) Sexual exploitation of a minor under section 573.023;

116 (r) Promoting child pornography in the first degree under section 573.025;

117 (s) Promoting child pornography in the second degree under section 573.035; or

118 (t) Unlawful sex with an animal under section 566.111;

119 (2) Any offender whose classification was changed to a Tier II offender by court
120 order under section 589.408;

121 (3) Any person who is convicted of, found guilty of, or has pled guilty or nolo
122 contendere to committing, attempting to commit, or conspiring to commit a crime
123 comparable to a Tier I offense listed in this section or failure to register offense under
124 section 589.425 or comparable out-of-state failure to register offense, who is already
125 required to register as a Tier I offender due to having been convicted of, found guilty of,
126 or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring
127 to commit a Tier I offense on a previous occasion; or

128 (4) Any person who is or has been convicted of, been found guilty of, or pled guilty
129 to or nolo contendere in any other state, territory, or the District of Columbia, or foreign
130 country, or under federal, tribal, or military jurisdiction to committing, attempting to
131 commit, or conspiring to commit an offense of a sexual nature or with a sexual element that
132 is comparable to the Tier II sexual offenses listed in this subsection or, if not comparable
133 to those in this subsection, comparable to those described as Tier II offenses under the Sex
134 Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection
135 and Safety Act of 2006 (Public Law 248-109).

136 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
137 this section, shall report semiannually in person in the month of their birth and six months
138 thereafter to the chief law enforcement official to verify the information contained in their
139 statement made under section 589.407. In addition such offenders shall report by mail, on
140 a form to be provided by the Missouri state highway patrol, to update any change in
141 information or to indicate that there has been no change, ninety days after each in-person
142 report. This form shall require the signature of the offender. Except as provided in
143 subsections 8 and 9 of this section, Tier III sexual offenders include:

144 (1) Any offender registered as a predatory or persistent sexual offender under the
145 definitions found in section 558.018;

146 (2) Any offender who has been convicted of, found guilty of, or has pled guilty or
147 nolo contendere to committing, attempting to commit, or conspiring to commit the crime
148 of:

149 (a) Kidnapping when a sexual offense was committed during the kidnapping or
150 when the kidnapping was committed for the purpose of committing a sexual offense and
151 when the victim is less than eighteen years of age and excluding kidnapping by parent or
152 guardian under section 565.110;

153 (b) Child kidnapping when a sexual offense was committed during the kidnapping
154 or when the kidnapping was committed for the purpose of committing a sexual offense
155 under section 565.115;

156 (c) Forcible rape under section 566.030;

- 157 (d) **Statutory rape in the first degree under section 566.032;**
158 (e) **Sexual assault under section 566.040;**
159 (f) **Forcible sodomy under section 566.060;**
160 (g) **Statutory sodomy in the first degree under section 566.062;**
161 (h) **Child molestation in the first degree when the victim is less than fourteen years**
162 **of age under section 566.067;**
163 (i) **Deviate sexual assault under section 566.070;**
164 (j) **Sexual contact with a student while on public school property when the victim**
165 **is less than fourteen years of age under section 566.086;**
166 (k) **Sexual abuse when the victim is less than fourteen years of age under section**
167 **566.100;**
168 (l) **Sexual trafficking of a child under section 566.212;**
169 (m) **Sexual trafficking of a child under the age of twelve, under section 566.213;**
170 (n) **Promoting prostitution in the first degree when the victim is less than eighteen**
171 **years of age under section 567.050;**
172 (o) **Incest under section 568.020;**
173 (p) **Endangering the welfare of a child in the first degree when there is sexual**
174 **conduct or sexual contact with a victim less than fourteen years of age under section**
175 **568.045;**
176 (q) **Endangering the welfare of a child in the first degree when there is sexual**
177 **intercourse or deviate sexual intercourse with a victim less than eighteen years of age under**
178 **section 568.045;**
179 (3) **Any offender who is convicted of, found guilty of, or has pled guilty or nolo**
180 **contendere to committing, attempting to commit, or conspiring to commit a crime**
181 **comparable to a Tier I or Tier II offense listed in this section or failure to register offense**
182 **under section 589.425, or other comparable out-of-state failure to register offense, who has**
183 **been or is already required to register as a Tier II offender because of having been**
184 **convicted of, found guilty of, or pleading guilty or nolo contendere to committing,**
185 **attempting to commit, or conspiring to commit a Tier II offense, two Tier I offenses, or a**
186 **combination of a Tier I offense and failure to register offense, on a previous occasion;**
187 (4) **Any offender who is or has been convicted of, been found guilty of, or pled**
188 **guilty or nolo contendere in any other state, territory, or the District of Columbia, or**
189 **foreign country, or under federal, tribal, or military jurisdiction to committing, attempting**
190 **to commit, or conspiring to commit an offense of a sexual nature or with a sexual element**
191 **that is comparable to a Tier III offense listed in this section or a Tier III offense under the**
192 **Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child**
193 **Protection and Safety Act of 2006 (Public Law 248-109); or**

194 **(5) Any offender who is or has been convicted of, been found guilty of, or pled**
195 **guilty to or nolo contendere to any offense of a sexual nature requiring registration under**
196 **sections 589.400 to 589.425 that is not classified as a Tier I or Tier II offense in this section.**

197 [5.] **8.** In addition to the requirements of subsections 1 [and 2] **to 7** of this section, all
198 Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend **any** school
199 [or training] **whether public or private in nature, including any secondary school, trade**
200 **school, professional school, or institution of higher education** on a full-time or part-time basis
201 [in any other state] **or has a temporary residence in Missouri** shall be required to report in
202 person to the chief law enforcement officer in the area of the state where they work or attend
203 school or training and register in that state. "Part-time" in this subsection means for more than
204 seven days in any twelve-month period.

205 [6.] **9.** If a person, who is required to register as a sexual offender under sections 589.400
206 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person
207 shall report such information in the same manner as a change of residence before using such
208 online identifier.

209 **10. It is not a defense to a prosecution for a violation of any Tier I, Tier II, or Tier**
210 **III offense listed in this section that the victim was a peace officer masquerading as a**
211 **minor.**

212 **11. Individuals that are not currently registered due to being adjudicated of a**
213 **sexual offense prior to the initial enactment of state or federal sex offender registry**
214 **legislation shall be required to register for their original offense if the person is currently**
215 **incarcerated or under supervision of the Missouri department of corrections, for a sexual**
216 **offense.**

217

218 **If such person's original offense is not currently a crime such person shall still be classified**
219 **as a Tier I, II, or III offender. The classification shall be made by determining which**
220 **current crime is most comparable to the original offense and then placing such person in**
221 **the Tier which corresponds to that current crime.**

✓