

SECOND REGULAR SESSION

# HOUSE BILL NO. 1758

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DAVIS.

5157H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 566.147 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 566.147 as enacted by house bill no. 111 merged with senate bill no. 250, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to the housing of convicted sex offenders, with penalty provisions.

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

Section A. Section 566.147 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 566.147 as enacted by house bill no. 111 merged with senate bill no. 250, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 566.147, to read as follows:

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

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.

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14 shall not reside within one thousand feet of any public school as defined in section 160.011, any  
15 private school giving instruction in a grade or grades not higher than the twelfth grade, or any  
16 child care facility that is licensed under chapter 210, or any child care facility as defined in  
17 section 210.201 that is exempt from state licensure but subject to state regulation under section  
18 210.252 and holds itself out to be a child care facility, where the school or facility is in existence  
19 at the time the individual begins to reside at the location.

20         2. If such person has already established a residence and a public school, a private  
21 school, or child care facility is subsequently built or placed within one thousand feet of such  
22 person's residence, then such person shall, within one week of the opening of such public school,  
23 private school, or child care facility, notify the county sheriff where such public school, private  
24 school, or child care facility is located that he or she is now residing within one thousand feet of  
25 such public school, private school, or child care facility and shall provide verifiable proof to the  
26 sheriff that he or she resided there prior to the opening of such public school, private school, or  
27 child care facility.

28         3. For purposes of this section, "resides" means sleeps in a residence, which may include  
29 more than one location and may be mobile or transitory.

30         4. Violation of the provisions of subsection 1 of this section is a class E felony except  
31 that the second or any subsequent violation is a class B felony. Violation of the provisions of  
32 subsection 2 of this section is a class A misdemeanor except that the second or subsequent  
33 violation is a class E felony.

34         **5. If a homeless shelter has already been established and a public school, a private**  
35 **school, or child care facility is subsequently built or placed within one thousand feet of**  
36 **such homeless shelter, the homeless shelter may house such person but such person shall**  
37 **notify the county sheriff where such public school, private school, or child care facility is**  
38 **located that he or she is now housed within one thousand feet of such public school, private**  
39 **school, or child care facility, and the owner or operator of the homeless shelter shall**  
40 **provide verifiable proof to the sheriff that the homeless shelter was in existence prior to the**  
41 **opening of such public school, private school, or child care facility. Violation of the**  
42 **provisions of this subsection is a class A misdemeanor except that the second or subsequent**  
43 **violation is a class E felony.**

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty  
2 or nolo contendere to, or been convicted of, or been found guilty of:

3         (1) Violating any of the provisions of this chapter or the provisions of subsection 2 of  
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;  
5 subsection 2 of section 568.080, use of a child in a sexual performance; section 568.090,  
6 promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor;

7 section 573.025, promoting child pornography in the first degree; section 573.035, promoting  
8 child pornography in the second degree; section 573.037, possession of child pornography, or  
9 section 573.040, furnishing pornographic material to minors; or

10 (2) Any offense in any other state or foreign country, or under federal, tribal, or military  
11 jurisdiction which, if committed in this state, would be a violation listed in this section;

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13 shall not reside within one thousand feet of any public school as defined in section 160.011, any  
14 private school giving instruction in a grade or grades not higher than the twelfth grade, any child  
15 care facility that is licensed under chapter 210, or any child care facility as defined in section  
16 210.201 that is exempt from state licensure but subject to state regulation under section 210.252  
17 and holds itself out to be a child care facility, where the school or facility is in existence at the  
18 time the individual begins to reside at the location.

19 2. If such person has already established a residence and a public school, a private  
20 school, or child care facility is subsequently built or placed within one thousand feet of such  
21 person's residence, then such person shall, within one week of the opening of such public school,  
22 private school, or child care facility, notify the county sheriff where such public school, private  
23 school, or child care facility is located that he or she is now residing within one thousand feet of  
24 such public school, private school, or child care facility and shall provide verifiable proof to the  
25 sheriff that he or she resided there prior to the opening of such public school, private school, or  
26 child care facility.

27 3. For purposes of this section, "resides" means sleeps in a residence, which may include  
28 more than one location and may be mobile or transitory.

29 4. Violation of the provisions of subsection 1 of this section is a class D felony except  
30 that the second or any subsequent violation is a class B felony. Violation of the provisions of  
31 subsection 2 of this section is a class A misdemeanor except that the second or subsequent  
32 violation is a class D felony.

33 **5. If a homeless shelter has already been established and a public school, a private**  
34 **school, or child care facility is subsequently built or placed within one thousand feet of**  
35 **such homeless shelter, the homeless shelter may house such person but such person shall**  
36 **notify the county sheriff where such public school, private school, or child care facility is**  
37 **located that he or she is now housed within one thousand feet of such public school, private**  
38 **school, or child care facility, and the owner or operator of the homeless shelter shall**  
39 **provide verifiable proof to the sheriff that the homeless shelter was in existence prior to the**  
40 **opening of such public school, private school, or child care facility. Violation of the**  
41 **provisions of this subsection is a class A misdemeanor except that the second or subsequent**  
42 **violation is a class E felony.**

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