

FIRST REGULAR SESSION

HOUSE BILL NO. 431

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAHR.

0181H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, and to enact in lieu thereof eight new sections relating to the state sex offender registry, with penalty provisions.

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

Section A. Sections 589.400, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, and 589.414, to read as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

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

(1) Any person who ~~[, since July 1, 1979,]~~ has been or is hereafter ~~[convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor,]~~ **adjudicated for an offense listed in section 589.414**, unless such person is ~~[exempted]~~ **exempt** from registering under subsection ~~[8]~~ **9 or 10** of this section **or section 589.401**; ~~[ø]~~

(2) ~~[Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home]~~

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.

16 or sexual conduct with a nursing facility resident or vulnerable person in the first or second
17 degree; endangering the welfare of a child under section 568.045 when the endangerment is
18 sexual in nature; genital mutilation of a female child, under section 568.065; promoting
19 prostitution in the first degree; promoting prostitution in the second degree; promoting
20 prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in
21 the first degree; promoting child pornography in the second degree; possession of child
22 pornography; furnishing pornographic material to minors; public display of explicit sexual
23 material; coercing acceptance of obscene material; promoting obscenity in the first degree;
24 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
25 sexual performance; or promoting sexual performance by a child; or

26 ~~——(3)]~~ Any person who ~~[, since July 1, 1979,]~~ has been committed to the department of
27 mental health as a criminal sexual psychopath; ~~[ø]~~

28 ~~[(4)]~~ **(3)** Any person who ~~[, since July 1, 1979,]~~ has been found not guilty as a result of
29 mental disease or defect of any offense listed in ~~[subdivision (1) or (2) of this subsection]~~ **section**
30 **589.414**; ~~[ø]~~

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

37 ~~[(6)]~~ **(5)** Any juvenile fourteen years of age or older at the time of the offense who has
38 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse
39 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
40 offense;

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

50 ~~[(8)]~~ **(7)** Any person who has been or is required to register in another state, **territory,**
51 **the District of Columbia, or foreign country**, or has been or is required to register under tribal,

52 federal, or military law and who works or attends an educational institution, whether public or
53 private in nature, including any secondary school, trade school, professional school, or institution
54 of higher education on a full-time or on a part-time basis or has a temporary residence in
55 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
56 period.

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

75 3. The registration requirements of sections 589.400 through 589.425 ~~[are lifetime~~
76 ~~registration requirements]~~ **shall be as provided under subsection 4 of this section** unless:

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

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

82 (3) The registrant is no longer required to register and his or her name shall be removed
83 from the registry under the provisions of ~~[subsection 6 of this]~~ section **589.414**; or

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

87 4. **The registration requirements shall be as follows:**

88 **(1) Fifteen years if the offender is a tier I sex offender as provided under section**
89 **589.414;**

90 **(2) Twenty-five years if the offender is a tier II sex offender as provided under**
91 **section 589.414; or**

92 **(3) The life of the offender if the offender is a tier III sex offender.**

93 **5. (1) The registration period shall be reduced as described in subdivision (3) of**
94 **this subsection for a sex offender who maintains a clean record for the periods described**
95 **under subdivision (2) of this subsection by:**

96 **(a) Not being convicted of any offense for which imprisonment for more than one**
97 **year may be imposed;**

98 **(b) Not being convicted of any sex offense;**

99 **(c) Successfully completing any periods of supervised release, probation, and**
100 **parole; and**

101 **(d) Successfully completing an appropriate sex offender treatment program**
102 **certified by the attorney general.**

103 **(2) In the case of a:**

104 **(a) Tier I sex offender, the period during which the clean record shall be**
105 **maintained is ten years;**

106 **(b) Tier III sex offender adjudicated delinquent for the offense which required**
107 **registration in a sex registry under sections 589.400 to 589.425, the period during which**
108 **the clean record shall be maintained is twenty-five years.**

109 **(3) In the case of a:**

110 **(a) Tier I sex offender, the reduction is five years;**

111 **(b) Tier III sex offender adjudicated delinquent, the reduction is from life to that**
112 **period for which the clean record under paragraph (b) of subdivision (2) is maintained.**

113 **6. For processing an initial sex offender registration the chief law enforcement officer**
114 **of the county or city not within a county may charge the offender registering a fee of up to ten**
115 **dollars.**

116 ~~[5-]~~ **7. For processing any change in registration required pursuant to section 589.414 the**
117 **chief law enforcement official of the county or city not within a county may charge the person**
118 **changing their registration a fee of five dollars for each change made after the initial registration.**

119 ~~[6-]~~ **8. Any person currently on the sexual offender registry [for being convicted of,**
120 **found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or**
121 **conspiring to commit,] or who otherwise would be required to register for being adjudicated**
122 **for the offense of felonious restraint of a nonsexual nature when the victim was a child and**
123 **he or she was the parent or guardian of the child, nonsexual child abuse that was committed**

124 under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and
125 he or she was the parent or guardian of the child shall be removed from the registry. However,
126 such person shall remain on the sexual offender registry for any other offense for which he or she
127 is required to register under sections 589.400 to 589.425.

128 ~~[7-]~~ **9. The following persons shall be exempt from registering as a sexual offender**
129 **upon petition to the court of jurisdiction under section 589.401; except that, such person**
130 **shall remain on the sexual offender registry for any other offense for which he or she is**
131 **required to register under sections 589.400 to 589.425:**

132 (1) Any person currently on the sexual offender registry [~~for having been convicted of,~~
133 ~~found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to~~
134 ~~commit, or conspiring to commit promoting prostitution in the second degree, promoting~~
135 ~~prostitution in the third degree, public display of explicit sexual material, statutory rape in the~~
136 ~~second degree, and no physical force or threat of physical force was used in the commission of~~
137 ~~the crime may file a petition in the civil division of the circuit court in the county in which the~~
138 ~~offender was convicted or found guilty of or pled guilty or nolo contendere to committing,~~
139 ~~attempting to commit, or conspiring to commit the offense or offenses for the removal of his or~~
140 ~~her name from the sexual offender registry after ten years have passed from the date he or she~~
141 ~~was required to register]~~ **or who otherwise would be required to register for a sexual offense**
142 **involving:**

143 (a) **Sexual conduct where no force or threat of force was directed toward the victim**
144 **or any other individual involved, if the victim was an adult, unless the adult was under the**
145 **custodial authority of the offender at the time of the offense; or**

146 (b) **Sexual conduct where the victim was at least fourteen years of age and the**
147 **offender was not more than four years older than the victim at the time of the offense; or**

148 (2) Any person currently required to register for the following sexual offenses:

149 (a) **Sexual misconduct in the first degree under section 566.093;**

150 (b) **Sexual misconduct in the second degree under section 566.095;**

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

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

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

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

155 (g) **Coercing acceptance of obscene material under section 573.065;**

156 (h) **Sex with an animal under section 566.111;**

157 (i) **Genital mutilation of a female child under section 568.065;**

158 (j) **Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced**
159 **labor under section 566.206;**

160 (k) **Abusing an individual through forced labor under section 566.203;**
161 (l) **Contributing of human trafficking through the misuse of documentation under**
162 **section 566.215; or**

163 (m) **International marriage brokers, notice of recruits under section 578.475.**

164 [~~8. Effective August 28, 2009,~~] **10.** Any person **currently** on the sexual offender registry
165 for having been [~~convicted of, found guilty of, or having pled guilty or nolo contendere to an~~
166 ~~offense included under subsection 1 of this section may file a petition after two years have passed~~
167 ~~from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to~~
168 ~~the offense or offenses in the civil division of the circuit court in the county in which the offender~~
169 ~~was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for~~
170 ~~removal of his or her name from the registry if such person was nineteen years of age or younger~~
171 ~~and the victim was thirteen years of age or older at the time of the offense and no physical force~~
172 ~~or threat of physical force was used in the commission of the offense, unless such person meets~~
173 ~~the qualifications of this subsection, and such person was eighteen years of age or younger at the~~
174 ~~time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a~~
175 ~~violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor,~~
176 ~~in which case, such person may immediately file a petition to remove or exempt his or her name~~
177 ~~from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere~~
178 ~~to such offense]~~ **adjudicated for a tier I or II offense or adjudicated delinquent for a tier III**
179 **offense or other comparable offense listed under section 589.414 may file a petition under**
180 **section 589.401.**

181 [~~9. (1) The court may grant such relief under subsection 7 or 8 of this section if such~~
182 ~~person demonstrates to the court that he or she has complied with the provisions of this section~~
183 ~~and is not a current or potential threat to public safety. The prosecuting attorney in the circuit~~
184 ~~court in which the petition is filed must be given notice, by the person seeking removal or~~
185 ~~exemption from the registry, of the petition to present evidence in opposition to the requested~~
186 ~~relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of~~
187 ~~the person seeking removal or exemption from the registry to notify the prosecuting attorney of~~
188 ~~the petition shall result in an automatic denial of such person's petition. If the prosecuting~~
189 ~~attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of~~
190 ~~the crime for which the person was required to register of the petition and the dates and times~~
191 ~~of any hearings or other proceedings in connection with that petition.~~

192 ——— [~~2) If the petition is denied, such person shall wait at least twelve months before~~
193 ~~petitioning the court again. If the court finds that the petitioner is entitled to relief, which~~
194 ~~removes or exempts such person's name from the registry, a certified copy of the written findings~~
195 ~~or order shall be forwarded by the court to the chief law enforcement official having jurisdiction~~

196 over the offender and to the Missouri state highway patrol in order to have such person's name
197 removed or exempted from the registry.]

198 ~~[10:]~~ **11.** Any nonresident worker, **including work as a volunteer or intern**, or
199 nonresident student shall register for the duration of such person's employment, **including**
200 **participation as a volunteer or intern**, or attendance at any school of higher education [~~and is~~
201 ~~not entitled to relief under the provisions of subsection 9 of this section~~] **whether public or**
202 **private, including any secondary school, trade school, professional school, or institution**
203 **of higher education on a full-time or part-time basis in this state unless granted relief**
204 **under section 589.401.** Any registered offender from another state who has a temporary
205 residence in this state and resides more than seven days in a twelve-month period shall register
206 for the duration of such person's temporary residency [~~and is not entitled to the provisions of~~
207 ~~subsection 9 of this section~~] **unless granted relief under section 589.401.**

208 ~~[11. Any person whose name is removed or exempted from the sexual offender registry~~
209 ~~under subsection 7 or 8 of this section shall no longer be required to fulfill the registration~~
210 ~~requirements of sections 589.400 to 589.425, unless such person is required to register for~~
211 ~~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 this state because of an adjudication that**
5 **was committed in another jurisdiction shall file his or her petition for removal according**
6 **to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia,**
7 **or foreign country in which his or her offense was adjudicated. Upon the grant of the**
8 **petition for removal in the jurisdiction where the offense was adjudicated, such judgment**
9 **may be registered in this state by sending the information required under subsection 5 of**
10 **this section as well as one authenticated copy of the order granting removal from the sexual**
11 **offender registry in the jurisdiction where the offense was adjudicated to the court in the**
12 **county in which the offender is required to register. On receipt of a request for**
13 **registration removal, the registering court shall cause the order to be filed as a foreign**
14 **judgment, together with one copy of the documents and information, regardless of their**
15 **form. The petitioner shall be responsible for costs associated with filing the petition.**

16 **3. A person required to register as a tier III offender shall not 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 for his or her most**
20 **recent offense under sections 589.400 to 589.425:**

- 21 **(1) For a tier I offense, ten years;**
22 **(2) For a tier II offense, twenty-five years; or**
23 **(3) For a tier III offense adjudicated delinquent, twenty-five years.**
24 **5. The petition shall be dismissed without prejudice if it fails to include any of the**
25 **following:**
26 **(1) The petitioner's:**
27 **(a) Full name, including any alias used by the individual;**
28 **(b) Sex;**
29 **(c) Race;**
30 **(d) Date of birth;**
31 **(e) Last four digits of the Social Security number;**
32 **(f) Address; and**
33 **(g) Place of employment, school, or volunteer status;**
34 **(2) The offense and tier of the offense that required the petitioner to register;**
35 **(3) The date the petitioner was adjudicated for the 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; and**
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 person seeking removal or exemption from the registry shall provide the**
51 **prosecuting attorney in the circuit court in which the petition is filed with notice 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**
58 **to, criminal history records, mental health records, juvenile records, and records of the**
59 **department of corrections 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 such 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 or has charges pending for any additional nonsexual**
66 **offense for which imprisonment for more than one year may be imposed since the date the**
67 **offender was required to register for his or her current tier level;**

68 **(2) Has not been adjudicated or has charges pending for any additional sex offense**
69 **that would require registration under sections 589.400 to 589.425 since the date the**
70 **offender was required to register for his or her 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 the offender was required to register**
74 **for his or her 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 meet the criteria required by subdivisions (1) and (2) of subsection**
79 **11 of this section, the fingerprints filed in the case shall be examined by the Missouri state**
80 **highway patrol. The petitioner shall be responsible for all costs associated with the**
81 **fingerprint-based criminal history check of both state and federal files under section**
82 **43.530.**

83 **13. If the petition is denied due to an adjudication in violation of subdivision (1) or**
84 **(2) of subsection 11 of this section, the petitioner shall not file a new petition under this**
85 **section until:**

86 **(1) Fifteen years have passed from the date of the adjudication resulting in the**
87 **denial of relief if the petitioner is classified as a tier I offender;**

88 **(2) Twenty-five years have passed from the date of adjudication resulting in the**
89 **denial of relief if the petitioner is classified as a tier II offender; or**

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

93 **14. If the petition is denied due to the petitioner having charges pending in violation**
94 **of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new**
95 **petition under this section until:**

96 **(1) The pending charges resulting in the denial of relief have been finally disposed**
97 **of in a manner other than adjudication; or**

98 **(2) If the pending charges result in an adjudication, the necessary time period has**
99 **elapsed under subsection 13 of this section.**

100 **15. If the petition is denied for reasons other than those outlined in subsection 11**
101 **of this section, no successive petition requesting such relief shall be filed for at least five**
102 **years from the date the judgment denying relief is entered.**

103 **16. If the court finds the petitioner is entitled to have his or her name removed from**
104 **the sexual offender registry, the court shall enter judgment directing the removal of the**
105 **name. A copy of the judgment shall be provided to the respondents named in the petition.**

106 **17. Any person subject to judgment requiring his or her name to be removed from**
107 **the sexual offender registry is not required to register under sections 589.400 to 589.425**
108 **unless such person is required to register for an offense that was different from that listed**
109 **on the judgment of removal.**

110 **18. The court shall not deny the petition unless the petition failed to comply with**
111 **the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence**
112 **demonstrating the petition should be denied.**

 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.

4 **2. Except as provided in subsections 4 and 5 of this section, the registered sexual**
5 **offender search [shall] may make it possible for any person using the internet to search for and**
6 **find the information specified in subsection 3 of this section, if known, on offenders registered**
7 **in this state pursuant to sections 589.400 to 589.425**~~[-except that only persons who have been~~
8 ~~convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring~~
9 ~~to commit sexual offenses shall be included on this website].~~

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

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

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

- 14 (3) A physical description of the offender;
- 15 (4) The residence, temporary, work, and school addresses of the offender, including the
16 street address, city, county, state, and zip code;
- 17 (5) Any photographs of the offender;
- 18 (6) A physical description of the offender's vehicles, including the year, make, model,
19 color, and license plate number;
- 20 (7) The nature and dates of all offenses qualifying the offender to register, **including the**
21 **tier level assigned to the offender under sections 589.400 to 589.425;**
- 22 (8) The date on which the offender was released from the department of mental health,
23 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying
24 the offender to register;
- 25 (9) Compliance status of the offender with the provisions of sections 589.400 to
26 589.425; and
- 27 (10) Any online identifiers, as defined in section 43.651, used by the person. Such
28 online identifiers shall not be included in the general profile of an offender on the web page and
29 shall only be available to a member of the public by a search using the specific online identifier
30 to determine if a match exists with a registered offender.
- 31 4. The chief law enforcement officer of any county or city not within a county may
32 publish in any newspaper distributed in the county or city not within a county the sexual offender
33 information provided under subsection 3 of this section for any offender residing in the county
34 or city not within a county.
- 35 **5. Although required to register under sections 589.400 to 589.425, offenders**
36 **committing kidnapping in the second degree of a nonsexual nature when the victim is less**
37 **than eighteen years of age or kidnapping under section 565.110 of a nonsexual nature when**
38 **the victim is less than eighteen years of age shall be exempt from the public notification**
39 **requirements of this section if:**
- 40 (1) **There is no other offense for which the offender is required to register;**
- 41 (2) **The offender is not a repeat offender as a result of multiple adjudications for**
42 **the offenses listed in this subsection; and**
- 43 (3) **No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
44 **conduct occurred during the offense.**
- 45 **6. Juveniles required to register under subdivision (5) of subsection 1 of section**
46 **589.400 shall be exempt from public notification to include any adjudications from another**
47 **state, territory, the District of Columbia, or foreign country or any federal, tribal, or**
48 **military jurisdiction.**

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

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

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

2. **If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located.**

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

(1) "Adjudicated delinquent", a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

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

- 7 (3) **"Chief law enforcement official", the sheriff's office of each county or the police**
8 **department of a city not within a county;**
- 9 (4) **"Offender registration", the required minimum informational content of sex**
10 **offender registries, which shall consist of, but not be limited to, a full set of fingerprints on**
11 **a standard sex offender registration card upon initial registration in Missouri, as well as**
12 **all other forms required by the Missouri state highway patrol upon each initial and**
13 **subsequent registration;**
- 14 (5) **"Residence", any place where an offender sleeps for seven or more consecutive**
15 **or nonconsecutive days or nights within a twelve-month period;**
- 16 (6) **"Sex offender", any person who meets the criteria to register under sections**
17 **589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the**
18 **Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248;**
- 19 (7) **"Sex offense", any offense which is listed under section 589.414 or comparable**
20 **to those listed under section 589.414 or otherwise comparable to offenses covered under**
21 **the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child**
22 **Protection and Safety Act of 2006, Pub. L. 109-248;**
- 23 (8) **"Sexual act", any type or degree of genital, oral, or anal penetration;**
- 24 (9) **"Sexual contact", any sexual touching of or contact with a person's body, either**
25 **directly or through the clothing;**
- 26 (10) **"Sexual element", used for the purposes of distinguishing if sexual contact or**
27 **a sexual act was committed. Authorities shall refer to information filed by the prosecutor,**
28 **amended information filed by the prosecutor, indictment information filed by the**
29 **prosecutor, or amended indictment information filed by the prosecutor, plea agreement,**
30 **or court documentation to determine if a sexual element exists;**
- 31 (11) **"Signature", the name of the offender signed in writing or electronic form**
32 **approved by the Missouri state highway patrol;**
- 33 (12) **"Student", an individual who enrolls in or attends the physical location of an**
34 **educational institution, including a public or private secondary school, trade or**
35 **professional school, or an institution of higher education;**
- 36 (13) **"Vehicle", any land vehicle, watercraft, or aircraft.**

589.405. Any person [~~to whom subsection 1 of section 589.400 applies~~] **who is required**
2 **to register under sections 589.400 to 589.425 and** who is released on probation, discharged
3 upon payment of a fine, or released after confinement in a county jail shall, prior to such release
4 or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425
5 by the court having jurisdiction over the case. If such person is required to register pursuant to
6 sections 589.400 to 589.425, the court shall obtain the address where the person expects to reside

7 upon discharge, parole, or release and shall report, within three business days, such address to
8 the chief law enforcement official of the county or city not within a county where the person
9 expects to reside, upon discharge, parole, or release.

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 shall **consist of a**
4 **statement, including the signature of the offender, and shall** include, but is not limited to, the
5 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 566.125, 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;

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

17 (3) **Unless the offender's appearance has not changed significantly, a photograph**
18 **of such offender as follows:**

19 (a) **Quarterly if a tier III sex offender under section 589.414. Such photograph**
20 **shall be taken every ninety days beginning in the month of the person's birth;**

21 (b) **Semiannually if a tier II sex offender. Such photograph shall be taken in the**
22 **month of the person's birth and six months thereafter; and**

23 (c) **Yearly if a tier 1 sex offender. Such photograph shall be taken in the month of**
24 **the person's birth; and**

25 (4) A DNA sample **from the individual**, if a sample has not already been obtained.

26 2. The offender shall provide positive identification and documentation to substantiate
27 the accuracy of the information completed on the offender registration form, including but not
28 limited to the following:

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

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

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

32 **3. The Missouri state highway patrol shall maintain all required registration**
33 **information in digitized form.**

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

37 **5. The offender shall be responsible for reviewing his or her existing registration**
38 **information for accuracy at every regular in-person appearance and if any inaccuracies**
39 **are found provide proof of the information in question.**

40 **6. The signed offender registration form shall serve as proof that the individual**
41 **understands his or her duty to register as a sexual offender under sections 589.400 to**
42 **589.425 and a statement to this effect will be included on the form that the individual is**
43 **required to sign at each registration.**

 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, including status as a volunteer or intern;**
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, notify the chief law enforcement official of the county or city not**
16 **within a county of any changes to the following information:**

- 17 **(1) Vehicle information;**
18 **(2) Temporary lodging information;**
19 **(3) Temporary residence information;**
20 **(4) Email addresses, instant messaging addresses, and any other designations used**
21 **in internet communications, postings, or telephone communications;**
22 **(5) Telephone or other cellular number, including any new forms of electronic**
23 **communication.**

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

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

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

50 (1) Any offender ~~[registered as a predatory or persistent sexual offender under the~~
51 ~~definitions found in section 566.125]~~ **who has been adjudicated for the crime of:**

52 (a) **Sexual abuse in the first degree under section 566.100 if the victim is eighteen**
53 **years or older;**

54 (b) **Sexual misconduct involving a child under section 566.083 if the punishment**
55 **is less than one year;**

56 (c) **Child molestation in the second degree under section 566.068 if the victim is**
57 **thirteen to seventeen years of age;**

58 (d) **Sexual abuse in the second degree under section 566.101;**

59 (e) **Kidnapping in the second degree under section 565.120 with sexual motivation;**

60 (f) **Sexual conduct under section 566.116 with a nursing facility resident or**
61 **vulnerable person;**

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

- 63 **(h) Possession of child pornography under section 573.037;**
64 **(i) Age misrepresentation with intent to solicit a minor under section 566.153; or**
65 **(j) Trafficking for the purpose of sexual exploitation under section 566.209 if the**
66 **victim is eighteen years of age or older;**
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~~
69 ~~——(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425~~
70 ~~of failing to register or submitting false information when registering.—~~
71 ~~——4.] Any offender who is or has been adjudicated in any other state, territory, the~~
72 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**
73 **of an offense of a sexual nature or with a sexual element that is comparable to the tier I**
74 **sexual offenses listed in this subsection or, if not comparable to those in this subsection,**
75 **comparable to those described as tier I offenses under the Sex Offender Registration and**
76 **Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub.**
77 **L. 109-248.**
78 **6. Tier II sexual offenders,** in addition to the requirements of subsections 1 ~~and 2~~ **to**
79 **4 of this section, [all registrants] shall report semiannually in person in the month of their birth**
80 **and six months thereafter to the chief law enforcement [agency] official to verify the information**
81 **contained in their statement made pursuant to section 589.407. [All registrants shall allow the**
82 **chief law enforcement officer to take a current photograph of the offender in the month of his**
83 **or her birth to the chief law enforcement agency.] Tier II sexual offenders include:**
84 **(1) Any offender who has been adjudicated for the crime of:**
85 **(a) Statutory rape in the second degree under section 566.034;**
86 **(b) Statutory sodomy in the second degree under section 566.064;**
87 **(c) Child molestation in the first degree under section 566.067 if the victim is**
88 **thirteen to seventeen years of age;**
89 **(d) Sexual abuse in the first degree under section 566.100 if the victim is thirteen**
90 **to seventeen years of age;**
91 **(e) Sexual contact with a student while on public school property under section**
92 **566.086 if the victim is thirteen to seventeen years of age;**
93 **(f) Endangering the welfare of a child in the first degree under section 568.045 with**
94 **sexual conduct or sexual contact with a victim thirteen to seventeen years of age;**
95 **(g) Enticement of a child under section 566.151;**
96 **(h) Child used in sexual performance under section 573.200;**
97 **(i) Promoting sexual performance by a child under section 573.205;**

98 (j) Promoting prostitution in the first degree under section 567.050 if the victim is
99 under eighteen years of age;

100 (k) Promoting prostitution in the second degree under section 567.060 if the victim
101 is under eighteen years of age;

102 (l) Promoting prostitution in the third degree under section 567.070 if the victim
103 is under eighteen years of age;

104 (m) Abuse of a child under section 568.060 of a sexual nature;

105 (n) Sexual exploitation of a minor under section 573.023;

106 (o) Promoting child pornography in the first degree under section 573.025;

107 (p) Promoting child pornography in the second degree under section 573.035;

108 (q) Trafficking for the purpose of sexual exploitation under section 566.209 if the
109 victim is under eighteen years of age;

110 (r) Sexual trafficking in the first degree under section 566.210; or

111 (s) Sexual trafficking of a child in the second degree under section 566.211;

112 (2) Any person who is adjudicated of a crime comparable to a tier I offense listed
113 in this section or failure to register offense under section 589.425 or comparable out-of-
114 state failure to register offense and who is already required to register as a tier I offender
115 due to having been adjudicated of a tier I offense on a previous occasion; or

116 (3) Any person who is or has been adjudicated in any other state, territory, the
117 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction
118 for an offense of a sexual nature or with a sexual element that is comparable to the tier II
119 sexual offenses listed in this subsection or, if not comparable to those in this subsection,
120 comparable to those described as tier II offenses under the Sex Offender Registration and
121 Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub.
122 L. 109-248.

123 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
124 this section, shall report in person to the chief law enforcement official every ninety days
125 to verify the information contained in their statement made under section 589.407. Tier
126 III sexual offenders include:

127 (1) Any offender registered as a predatory or persistent sexual offender under the
128 definitions found under section 566.125;

129 (2) Any offender who has been adjudicated for the crime of:

130 (a) Rape in the first degree under section 566.030;

131 (b) Statutory rape in the first degree under section 566.032;

132 (c) Rape in the second degree under section 566.031;

- 133 **(d) Endangering the welfare of a child in the first degree under section 568.045 with**
134 **sexual conduct or sexual contact with a victim under thirteen years of age;**
- 135 **(e) Sodomy in the first degree under section 566.060;**
- 136 **(f) Statutory sodomy under section 566.062;**
- 137 **(g) Child molestation in the first degree under section 566.067 if the victim is under**
138 **thirteen years of age;**
- 139 **(h) Sodomy in the second degree under section 566.061;**
- 140 **(i) Sexual abuse in the first degree under section 566.100 if the victim is under**
141 **thirteen years of age;**
- 142 **(j) Kidnapping in the first degree under section 565.110 if the victim is under**
143 **eighteen years of age, excluding kidnapping by a parent or guardian;**
- 144 **(k) Child kidnapping under section 565.115;**
- 145 **(l) Incest under section 568.020; or**
- 146 **(m) Endangering the welfare of a child in the first degree under section 568.045**
147 **with sexual intercourse or deviate sexual intercourse with a victim under eighteen years**
148 **of age;**
- 149 **(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II**
150 **offense listed in this section or failure to register offense under section 589.425, or other**
151 **comparable out-of-state failure to register offense, who has been or is already required to**
152 **register as a tier II offender because of having been adjudicated for a tier II offense, two**
153 **tier I offenses, or combination of a tier I offense and failure to register offense, on a**
154 **previous occasion;**
- 155 **(4) Any offender who is adjudicated in any other state, territory, the District of**
156 **Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an**
157 **offense of a sexual nature or with a sexual element that is comparable to a tier III offense**
158 **listed in this section or a tier III offense under the Sex Offender Registration and**
159 **Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub.**
160 **L. 109-248; or**
- 161 **(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature**
162 **requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or**
163 **tier II offense in this section.**
- 164 ~~[5-]~~ **8. In addition to the requirements of subsections 1 ~~[and 2]~~ to 7 of this section, all**
165 **Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school**
166 **~~[or training]~~ whether public or private, including any secondary school, trade school,**
167 **professional school, or institution of higher education, on a full-time or part-time basis ~~[in~~**
168 **any other state] or has a temporary residence in this state shall be required to report in person**

169 to the chief law enforcement officer in the area of the state where they work, **including as a**
170 **volunteer or unpaid intern**, or attend **any** school or training and register in that state.
171 "Part-time" in this subsection means for more than seven days in any twelve-month period.

172 ~~[6-]~~ **9.** If a person~~[5]~~ who is required to register as a sexual offender under sections
173 589.400 to 589.425~~[5]~~ changes or obtains a new online identifier as defined in section 43.651,
174 the person shall report such information in the same manner as a change of residence before
175 using such online identifier.

176 **10. Individuals that are not currently registered due to being adjudicated of a**
177 **sexual offense prior to the initial enactment of state or federal sex offender registry**
178 **legislation shall be required to register for their original offense if:**

179 **(1) The individual is currently incarcerated or under supervision of the Missouri**
180 **department of corrections either for a sexual offense or some other crime; or**

181 **(2) The individual is adjudicated for a felony offense, even if such offense is not a**
182 **sex offense.**

✓