

HCS HB 2042 -- SEXUAL OFFENDERS

SPONSOR: Bahr

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 0. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 8 to 0.

This bill defines the terms "predatory sexual offender" and "persistent sexual offender."

The bill provides that if an offender is determined by the court to be a predatory sexual offender, the offender shall be sentenced to life without eligibility for probation or parole. Predatory sexual offenders shall not receive final discharge from parole or be furloughed by the Department of Corrections or any of its divisions. The bill specifies a two-stage process by which a second trial stage shall be held after the conviction of an offender to determine whether that offender is a predatory sexual offender.

The bill also creates a process for determining whether an offender is a prior or persistent sexual offender and creates provisions regarding the sentencing of prior and persistent sexual offenders, including the provisions that an offender determined to be a prior sexual offender shall be sentenced to the authorized term of imprisonment one class step higher than the offense for which the offender was found guilty, and that an offender determined to be a persistent sexual offender shall be sentenced to the authorized term of imprisonment two class steps higher for which the offender was found guilty.

Currently, individuals who are required to register with the Missouri Sexual Offender Registry must register within three days of adjudication, release from incarceration, placement on probation, or, for juveniles, within three days of adjudication or release from commitment to the Division of Youth Services, the Department of Mental Health, or other placement. This bill amends the requirement for registry to be within three business days. Furthermore, registration requirements are lifetime requirements, subject to some exceptions. The bill sets out and defines different tiers for offenses, which carry different reporting and registration requirements. The different tier registration requirements include registration duration and provisions for registration for duration reduction. The bill also specifies which individuals are exempt from the registration requirements.

Individuals on the sex offender registry may file a petition for removal, according to the procedure in the bill, in the circuit in

which the qualifying offense was committed, and individuals who were required to register in Missouri because of an offense committed in another state must file for removal based on the laws of the jurisdiction in which the offense was adjudicated. Once the petition for removal is granted in the other jurisdiction, the judgment can be registered in Missouri, in the county in which the individual is required to register, by following the procedures specified in the bill.

The court shall not deny the petition unless the petition violated the requirements specified in the bill or the prosecuting attorney provided evidence demonstrating the petition should be denied. Individuals who are required to register but who have committed certain specified offenses are exempt from the public notification requirements if they satisfy specified elements. Juveniles required to register shall be exempt from public notification.

Individuals who are released from a correctional facility, mental health institution, private jail, or any other private facility recognized or contracted with the Department of Corrections shall be informed of his or her duty to register, and the official in charge shall complete the initial registration notification at least seven days before an offender's release. The official shall also forward the offender's registration within three business days of the offender's release to the State Highway Patrol and the chief law enforcement official where the offender is expected to reside. The bill specifies requirements for registration, including a photograph of the offender, updated at regular intervals as specified in the bill.

The State Highway Patrol shall maintain all required registration information in digitized form. When the Highway Patrol receives changes to an offender's registration information, the Highway Patrol must immediately notify all other jurisdictions in which the offender is registered or required to register. The offender is required to appear in person before the chief law enforcement officer where the offender resides to update any changes in specific information. There are reporting requirements for offenders depending on the tier of their offense.

This bill is similar to HCS HB 431 and HCS HB 415 (2017).

**PROPOSERS:** Supporters say that this would make Missouri fully compliant with federal sexual offender registry law, and it would help bring more clarity to a process that already exists. This also adds a petition process for removal from the State Highway Patrol registry. The tiered system, like the federal Sex Offender Registration and Notification Act (SORNA) law has, is a more fair system since not all sex offenders should be treated equally as far

as registration requirements being lifetime requirements. With respect to determining whether someone is a predatory offender, the state would still have to prove admissible prior offenses even if those prior offenses were never charged.

Testifying for the bill were Representative Bahr; Ben Miller, Missouri Association of Prosecuting Attorneys; Ryan Christopher Glidwell; Missouri Association of Trial Attorneys; and the Missouri Attorney General's Office.

OPPONENTS: There was no opposition voiced to the committee.