

HB 2042 -- SEXUAL OFFENDERS

SPONSOR: Bahr

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 bill specifies what information a petition for removal or exemption must include and when a petition for removal or exemption shall be dismissed without prejudice. The person seeking removal or exemption from the registry must provide the appropriate prosecuting attorney with notice of the petition so the prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons the petition should be denied. The prosecuting attorney shall have access to all applicable records concerning the petitioner, and the prosecuting attorney must make reasonable efforts to inform the victim of the crime for which the offender was required to register and of the petition and dates and times of any hearings or proceedings in connection with the petition. The court shall not enter an order directing the removal of the petitioner's name from the Sexual Offender Registry unless the court finds the petitioner qualifies according to the provisions specified in the bill.

If the petition is denied because the petitioner has been adjudicated or has charges pending for additional nonsexual felony offenses within one year from the date the petitioner was required to register, or because the petitioner has been adjudicated or has charges pending for any additional sexual offense that would require registration, then the petitioner may not file another petition until a certain length of time has passed as specified by the petitioner's particular tier. If the original petition is denied for other reasons, the petitioner may not file another petition for at least five years from the date the original petition was denied. The court shall not deny the petition unless the petitioner 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).