

COMMITTEE OF ORIGIN: Standing Committee on Judiciary

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 (Section 43.650, RSMo).

This bill states that in order to qualify for the receipt of state or federal funds for providing child-care services, the following persons must submit to a criminal background check before being granted a registration and every five years thereafter and to an annual check of the central registry for child abuse:

- (1) An applicant child care provider;
- (2) Persons employed by the applicant child care provider for compensation;
- (3) Individuals or volunteers whose activities involve the care or supervision of children for the applicant child care provider or unsupervised access to children who are cared for by the applicant child care provider; or
- (4) Individuals residing in the applicant's family child care home who are 17 years or older (Section 210.025).

Additionally, child care facilities operated by religious organizations must notify parents that background checks have been conducted (Section 210.1080).

A copy of the notice to parents must be filed annually with the Department of Health and Senior Services. The bill removes the prohibition of the department from interfering with the selection of, supervision of, or terms of employment of the facility's personnel or the selection of individuals sitting on any governing board of such child care facilities (Sections 210.254 and 210.258).

Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt child care facility, the child care provider must request the results of a criminal background check for such child

care staff members. The cost of the background check will be the responsibility of the staff member, but may be paid by the child care provider (Section 210.1080).

A person will be ineligible for employment or presence at a family child care home, group child care home, licensed child care center, or license-exempt child care facility if such person:

- (1) Refused to consent to the background check;
- (2) Knowingly makes a materially false statement in connection with the background check;
- (3) Is registered or is required to register on a sex offender registry;
- (4) Has a finding of child abuse or neglect;
- (5) Has been convicted of any one of several felonies as outlined in the bill;
- (6) Has been convicted of a violent misdemeanor committed as an adult against a child; or
- (7) Has been convicted of any similar crime.

The bill also outlines child care staff members which do not need background checks.

The department must process the request for a criminal background check as expeditiously as possible, but not to exceed 45 days. The department must not reveal to the child care provider which crime or related information causes a person to be ineligible for employment, but must provide such information to the staff member. The staff member may appeal the accuracy of the background check.

This bill also 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 (Section 566.123).

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 (Section 566.124).

Convicted sexual offenders are not permitted to live within 1000 feet of a school or child care facility, and this bill clarifies that a school or child care facility includes all the facilities and grounds thereof, measuring from the property line of the school or child care facility (Section 566.147).

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 (Sections 589.400 and 589.414).

Individuals required to register because he or she was convicted of child molestation in the first degree shall be required to wear an electronic monitoring tracker while he or she changes residence to a different county or to a city not within a county. Once the move is complete, the electronic monitor shall be removed (Section 589.414).

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 (Section 589.401).

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 (Section 589.401).

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 (Section 589.403).