

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 114

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PIETZMAN.

0138H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.735 and 589.414, RSMo, and to enact in lieu thereof two new sections relating to electronic monitoring of certain sexual offenders while relocating.

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

Section A. Sections 217.735 and 589.414, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.735 and 589.414, to read as follows:

217.735. 1. Notwithstanding any other provision of law to the contrary, the division of probation and parole shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, **566.210**, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, [~~566.210,~~] 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full

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 sentence without early release. Supervision of an offender who was released after serving his
17 or her full sentence will be considered as supervision on parole.

18 4. A mandatory condition of lifetime supervision of an offender under this section is that
19 the offender be electronically monitored. Electronic monitoring shall be based on a global
20 positioning system or other technology that identifies and records the offender's location at all
21 times.

22 ~~[5. In appropriate cases as determined by a risk assessment, the board may terminate the~~
23 ~~supervision of an offender who is being supervised under this section when the offender is sixty-~~
24 ~~five years of age or older.]~~

25 ~~[6.]~~ 5. In accordance with section 217.040, the board may adopt rules relating to
26 supervision and electronic monitoring of offenders under this section.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
2 three business days, appear in person to the chief law enforcement officer of the county or city
3 not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within three
10 business days, notify the chief law enforcement official of the county or city not within a county
11 of any changes to the following information:

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;
- 15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
- 17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

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

22 4. (1) If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the person
25 last registered and the chief law enforcement official of the county or city not within a county

26 having jurisdiction over the new residence or address in writing within three business days of
27 such new address and phone number, if the phone number is also changed. **If any person**
28 **required by sections 589.400 to 589.425 to register changes such person's residence or**
29 **address to a different county or city not within a county and such person was convicted of**
30 **child molestation in the first degree, the person, in addition to the requirements under this**
31 **subdivision, shall also be required to deposit his or her driver's license with the chief law**
32 **enforcement official with whom the person last registered. If the person registers with the**
33 **chief law enforcement official having jurisdiction over the new residence or address and**
34 **the official verifies the new residence or address, the license shall be returned. If the**
35 **person fails to register within three business days with the chief law enforcement official**
36 **having jurisdiction over the new residence or address, the person shall be guilty of the**
37 **offense of failure to register, under section 589.425, and a warrant for the person's arrest**
38 **shall be issued, the person's driver's license shall be suspended, and the person shall be**
39 **required to be electronically monitored for a period of two years regardless of whether the**
40 **person is sentenced to a term of imprisonment. The person shall be responsible for all costs**
41 **associated with electronic monitoring.**

42 (2) If any person required by sections 589.400 to 589.425 to register changes his or her
43 state, territory, the District of Columbia, or foreign country, or federal, tribal, or military
44 jurisdiction of residence, the person shall appear in person and shall inform both the chief law
45 enforcement official with whom the person was last registered and the chief law enforcement
46 official of the area in the new state, territory, the District of Columbia, or foreign country, or
47 federal, tribal, or military jurisdiction having jurisdiction over the new residence or address
48 within three business days of such new address.

49 (3) Whenever a registrant changes residence, the chief law enforcement official of the
50 county or city not within a county where the person was previously registered shall inform the
51 Missouri state highway patrol of the change within three business days. When the registrant is
52 changing the residence to a new state, territory, the District of Columbia, or foreign country, or
53 federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the
54 responsible official in the new state, territory, the District of Columbia, or foreign country, or
55 federal, tribal, or military jurisdiction of residence within three business days.

56 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
57 section, shall report in person to the chief law enforcement official annually in the month of their
58 birth to verify the information contained in their statement made pursuant to section 589.407.

59 Tier I sexual offenders include:

60 (1) Any offender who has been adjudicated for the offense of:

- 61 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years
62 of age or older;
- 63 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and
64 the punishment is less than one year;
- 65 (c) Sexual abuse in the second degree under section 566.101 if the punishment is less
66 than a year;
- 67 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
- 68 (e) Kidnapping in the third degree under section 565.130;
- 69 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
70 under section 566.115 if the punishment is less than one year;
- 71 (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable
72 person;
- 73 (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is
74 eighteen years of age or older;
- 75 (i) Sex with an animal under section 566.111;
- 76 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
77 is eighteen years of age or older;
- 78 (k) Possession of child pornography under section 573.037;
- 79 (l) Sexual misconduct in the first degree under section 566.093;
- 80 (m) Sexual misconduct in the second degree under section 566.095;
- 81 (n) Child molestation in the second degree under section 566.068 as it existed prior to
82 January 1, 2017, if the punishment is less than one year; or
- 83 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of
84 age;
- 85 (2) Any offender who is or has been adjudicated in any other state, territory, the District
86 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of
87 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in
88 this subsection or, if not comparable to those in this subsection, comparable to those described
89 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
90 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 91 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
92 section, shall report semiannually in person in the month of their birth and six months thereafter
93 to the chief law enforcement official to verify the information contained in their statement made
94 pursuant to section 589.407. Tier II sexual offenders include:
- 95 (1) Any offender who has been adjudicated for the offense of:

96 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen
97 to seventeen years of age;

98 (b) Child molestation in the third degree under section 566.069 if the victim is between
99 thirteen and fourteen years of age;

100 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to
101 seventeen years of age;

102 (d) Enticement of a child under section 566.151;

103 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
104 victim is thirteen to seventeen years of age;

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

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

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

108 (i) Patronizing prostitution under section 567.030;

109 (j) Sexual contact with a prisoner or offender under section 566.145 if the victim is
110 thirteen to seventeen years of age;

111 (k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen
112 to seventeen years of age;

113 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense and
114 the penalty is a term of imprisonment of more than a year; or

115 (m) Age misrepresentation with intent to solicit a minor under section 566.153;

116 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in
117 this section or failure to register offense under section 589.425 or comparable out-of-state failure
118 to register offense and who is already required to register as a tier I offender due to having been
119 adjudicated of a tier I offense on a previous occasion; or

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

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

130 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~
131 ~~566.123~~] or a persistent sexual offender as defined in section [~~566.124~~] **566.125**;

- 132 (2) Any offender who has been adjudicated for the crime of:
133 (a) Rape in the first degree under section 566.030;
134 (b) Statutory rape in the first degree under section 566.032;
135 (c) Rape in the second degree under section 566.031;
136 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
137 offense is sexual in nature;
138 (e) Sodomy in the first degree under section 566.060;
139 (f) Statutory sodomy under section 566.062;
140 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
141 (h) Sodomy in the second degree under section 566.061;
142 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second
143 or subsequent offense;
144 (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen
145 years of age;
146 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
147 years of age, excluding kidnapping by a parent or guardian;
148 (l) Child kidnapping under section 565.115;
149 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
150 degree under section 566.115 if the punishment is greater than a year;
151 (n) Incest under section 568.020;
152 (o) Endangering the welfare of a child in the first degree under section 568.045 with
153 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
154 (p) Child molestation in the first degree under section 566.067;
155 (q) Child molestation in the second degree under section 566.068;
156 (r) Child molestation in the third degree under section 566.069 if the victim is under
157 thirteen years of age;
158 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
159 eighteen years of age;
160 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
161 under eighteen years of age;
162 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
163 eighteen years of age;
164 (v) Promoting travel for prostitution under section 567.085 if the victim is under
165 eighteen years of age;
166 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
167 is under eighteen years of age;

- 168 (x) Sexual trafficking of a child in the first degree under section 566.210;
169 (y) Sexual trafficking of a child in the second degree under section 566.211;
170 (z) Genital mutilation of a female child under section 568.065;
171 (aa) Statutory rape in the second degree under section 566.034;
172 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
173 thirteen years of age;
174 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of
175 imprisonment of more than a year;
176 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
177 offender;
178 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
179 victim is under thirteen years of age;
180 (ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is
181 under thirteen years of age;
182 (gg) Sexual intercourse with a prisoner or offender under section 566.145;
183 (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen
184 years of age;
185 (ii) Use of a child in a sexual performance under section 573.200; or
186 (jj) Promoting a sexual performance by a child under section 573.205;
187 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
188 listed in this section or failure to register offense under section 589.425, or other comparable
189 out-of-state failure to register offense, who has been or is already required to register as a tier II
190 offender because of having been adjudicated for a tier II offense, two tier I offenses, or
191 combination of a tier I offense and failure to register offense, on a previous occasion;
192 (4) Any offender who is adjudicated in any other state, territory, the District of
193 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
194 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
195 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of
196 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or
197 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
198 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II
199 offense in this section.
200 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
201 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
202 public or private, including any secondary school, trade school, professional school, or institution
203 of higher education, on a full-time or part-time basis or have a temporary residence in this state

204 shall be required to report in person to the chief law enforcement officer in the area of the state
205 where they work, including as a volunteer or unpaid intern, or attend any school or training and
206 register in that state. "Part-time" in this subsection means for more than seven days in any
207 twelve-month period.

208 9. If a person who is required to register as a sexual offender under sections 589.400 to
209 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
210 report such information in the same manner as a change of residence before using such online
211 identifier.

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