

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 1293**

**100TH GENERAL ASSEMBLY**

3421H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 217.735 and 589.414, RSMo, and to enact in lieu thereof two new sections relating to a sexual offender's duty to report.

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*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Section A. Sections 217.735 and 589.414, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.735 and 589.414, to read as follows: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 board 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, 566.212, 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 sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

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.

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. In accordance with section 217.040, the board may adopt rules relating to supervision  
26 and electronic monitoring of offenders under this section.

27           **7. If an offender subject to lifetime supervision under this section is supervised**  
28 **during the offender's probation, parole, or conditional release in a receiving state under**  
29 **the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following**  
30 **completion of probation, parole, or conditional release the offender shall be permitted to**  
31 **remain in the receiving state, and the board shall defer to the standards of supervision of**  
32 **the receiving state, including electronic monitoring. If at any time the offender returns to**  
33 **Missouri for more than thirty consecutive days, the offender shall be subject to lifetime**  
34 **supervision required by 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. 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 his or her state, territory, the District  
29 of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person  
30 shall appear in person and shall inform both the chief law enforcement official with whom the  
31 person was last registered and the chief law enforcement official of the area in the new state,  
32 territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction  
33 having jurisdiction over the new residence or address within three business days of such new  
34 address. Whenever a registrant changes residence, the chief law enforcement official of the  
35 county or city not within a county where the person was previously registered shall inform the  
36 Missouri state highway patrol of the change within three business days. When the registrant is  
37 changing the residence to a new state, territory, the District of Columbia, or foreign country, or  
38 federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the  
39 responsible official in the new state, territory, the District of Columbia, or foreign country, or  
40 federal, tribal, or military jurisdiction of residence within three business days.

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

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

46           (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years  
47 of age or older;

48           (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and  
49 the punishment is less than one year;

50           (c) Sexual abuse in the second degree under section 566.101 if the punishment is less  
51 than a year;

52           (d) Kidnapping in the second degree under section 565.120 with sexual motivation;

53           (e) Kidnapping in the third degree under section 565.130;

- 54 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree  
55 under section 566.115 if the punishment is less than one year;
- 56 (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable  
57 person;
- 58 (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is  
59 eighteen years of age or older;
- 60 (i) Sex with an animal under section 566.111;
- 61 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim  
62 is eighteen years of age or older;
- 63 (k) Possession of child pornography under section 573.037;
- 64 (l) Sexual misconduct in the first degree under section 566.093;
- 65 (m) Sexual misconduct in the second degree under section 566.095;
- 66 (n) Child molestation in the second degree under section 566.068 as it existed prior to  
67 January 1, 2017, if the ~~[punishment is less than one year]~~ **offense is a misdemeanor**; or
- 68 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of  
69 age;
- 70 (2) Any offender who is or has been adjudicated in any other state, territory, the District  
71 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of  
72 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in  
73 this subsection or, if not comparable to those in this subsection, comparable to those described  
74 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam  
75 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 76 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this  
77 section, shall report semiannually in person in the month of their birth and six months thereafter  
78 to the chief law enforcement official to verify the information contained in their statement made  
79 pursuant to section 589.407. Tier II sexual offenders include:
- 80 (1) Any offender who has been adjudicated for the offense of:
- 81 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen  
82 to seventeen years of age;
- 83 (b) Child molestation in the third degree under section 566.069 if the victim is between  
84 thirteen and fourteen years of age;
- 85 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to  
86 seventeen years of age;
- 87 (d) Enticement of a child under section 566.151;
- 88 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the  
89 victim is thirteen to seventeen years of age;

- 90 (f) Sexual exploitation of a minor under section 573.023;
- 91 (g) Promoting child pornography in the first degree under section 573.025;
- 92 (h) Promoting child pornography in the second degree under section 573.035;
- 93 (i) Patronizing prostitution under section 567.030;
- 94 (j) Sexual contact with a prisoner or offender under section 566.145 if the victim is  
95 thirteen to seventeen years of age;
- 96 (k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen  
97 to seventeen years of age;
- 98 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense and  
99 the penalty is a term of imprisonment of more than a year; or
- 100 (m) Age misrepresentation with intent to solicit a minor under section 566.153;
- 101 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in  
102 this section or failure to register offense under section 589.425 or comparable out-of-state failure  
103 to register offense and who is already required to register as a tier I offender due to having been  
104 adjudicated of a tier I offense on a previous occasion; or
- 105 (3) Any person who is or has been adjudicated in any other state, territory, the District  
106 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense  
107 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed  
108 in this subsection or, if not comparable to those in this subsection, comparable to those described  
109 as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam  
110 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 111 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this  
112 section, shall report in person to the chief law enforcement official every ninety days to verify  
113 the information contained in their statement made under section 589.407. Tier III sexual  
114 offenders include:
- 115 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~  
116 ~~566.123~~] or a persistent sexual offender as defined in section [~~566.124~~] **566.125**;
- 117 (2) Any offender who has been adjudicated for the crime of:
- 118 (a) Rape in the first degree under section 566.030;
- 119 (b) Statutory rape in the first degree under section 566.032;
- 120 (c) Rape in the second degree under section 566.031;
- 121 (d) Endangering the welfare of a child in the first degree under section 568.045 if the  
122 offense is sexual in nature;
- 123 (e) Sodomy in the first degree under section 566.060;
- 124 (f) Statutory sodomy under section 566.062;
- 125 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

- 126 (h) Sodomy in the second degree under section 566.061;  
127 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second  
128 or subsequent offense;
- 129 (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen  
130 years of age;
- 131 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen  
132 years of age, excluding kidnapping by a parent or guardian;
- 133 (l) Child kidnapping under section 565.115;
- 134 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first  
135 degree under section 566.115 if the punishment is greater than a year;
- 136 (n) Incest under section 568.020;
- 137 (o) Endangering the welfare of a child in the first degree under section 568.045 with  
138 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 139 (p) Child molestation in the first degree under section 566.067;
- 140 (q) Child molestation in the second degree under section 566.068;
- 141 (r) Child molestation in the third degree under section 566.069 if the victim is under  
142 thirteen years of age;
- 143 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under  
144 eighteen years of age;
- 145 (t) Promoting prostitution in the second degree under section 567.060 if the victim is  
146 under eighteen years of age;
- 147 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under  
148 eighteen years of age;
- 149 (v) Promoting travel for prostitution under section 567.085 if the victim is under  
150 eighteen years of age;
- 151 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim  
152 is under eighteen years of age;
- 153 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 154 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 155 (z) Genital mutilation of a female child under section 568.065;
- 156 (aa) Statutory rape in the second degree under section 566.034;
- 157 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under  
158 thirteen years of age;
- 159 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of  
160 imprisonment of more than a year;
- 161 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent  
162 offender;

163 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the  
164 victim is under thirteen years of age;

165 (ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is  
166 under thirteen years of age;

167 (gg) Sexual intercourse with a prisoner or offender under section 566.145;

168 (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen  
169 years of age;

170 (ii) Use of a child in a sexual performance under section 573.200; or

171 (jj) Promoting a sexual performance by a child under section 573.205;

172 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense  
173 listed in this section or failure to register offense under section 589.425, or other comparable  
174 out-of-state failure to register offense, who has been or is already required to register as a tier II  
175 offender because of having been adjudicated for a tier II offense, two tier I offenses, or  
176 combination of a tier I offense and failure to register offense, on a previous occasion;

177 (4) Any offender who is adjudicated in any other state, territory, the District of  
178 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of  
179 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this  
180 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of  
181 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

182 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature  
183 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II  
184 offense in this section.

185 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri  
186 registrants who work, including as a volunteer or unpaid intern, or attend any school whether  
187 public or private, including any secondary school, trade school, professional school, or institution  
188 of higher education, on a full-time or part-time basis or have a temporary residence in this state  
189 shall be required to report in person to the chief law enforcement officer in the area of the state  
190 where they work, including as a volunteer or unpaid intern, or attend any school or training and  
191 register in that state. "Part-time" in this subsection means for more than seven days in any  
192 twelve-month period.

193 9. If a person who is required to register as a sexual offender under sections 589.400 to  
194 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall  
195 report such information in the same manner as a change of residence before using such online  
196 identifier.

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