

HCS HB 1055 -- SEXUAL OFFENSES (Bruns)

This substitute changes the laws regarding sexual offenses. The substitute:

(1) Makes possession of child pornography a class D felony for a first offense and a class C felony for any subsequent offense. Under current law, it is a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense;

(2) Makes the crime of furnishing pornographic material to minors a class D felony when the offender has a prior conviction for a violation of Chapters 566, 568, or 573, RSMo. Under current law, the crime is a class D felony only upon a second or subsequent conviction for the offense;

(3) Adds several pornography offenses to the list of crimes which require a person to register as a sexual offender;

(4) Clarifies that a plea of nolo contendere is considered the same as a plea of guilty in terms of the sex offender registry;

(5) Requires sex offenders to successfully complete a sex offender treatment program. Current law requires only that the offenders participate in the program;

(6) Prohibits any person who has been convicted of certain sex-related crimes to live within 1,000 feet of a school or a child care facility. Violation of the provision is a class D felony. A second or subsequent offense is a class B felony. If a school or child care facility is opened within 1,000 feet of where an offender already resides, the person must notify the sheriff of this fact within one week. Failure to do so is a class A misdemeanor. A subsequent offense is a class D felony;

(7) Increases the penalty for failing to register as a sex offender to a class D felony. A second or subsequent offense is a class C felony. Under current law, the first offense is a class A misdemeanor, and a second or subsequent offense is a class D felony;

(8) Allows sheriffs to collect a fee from sex offenders at the time of the offender's registration. At the offender's initial registration, the fee can be up to \$10. For every subsequent change in registration, the fee is \$5;

(9) Requires probation and parole officers who are assigned to a registered sex offender to notify the sheriff when learning of the sex offender's intent to change residency. The officer must also notify the offender of his or her duty to register upon

changing residency. The substitute clarifies that the term "probation officer" includes any private entity providing probation supervision services;

(10) Expands the crime of sexual misconduct in the second degree. The crime is committed when a person has sexual contact while in a public place in the presence of another person;

(11) Expands the crime of sexual misconduct in the third degree. The crime is committed when a person requests another person to engage in sexual conduct while in a public place in the presence of another person; and

(12) Lengthens the statute of limitation for most sexual offenses in which the victim is age 18 or younger. Under current law, the statute of limitation is 10 years after the victim reaches age 18. The substitute lengthens the limitation to 20 years after the victim reaches age 18. The limitation applies to all sexual offenses in which the victim is under the age of 18, except for the crimes of rape and sodomy for which there is no statute of limitation.

FISCAL NOTE: Estimated Cost on General Revenue Fund of More than \$100,000 in FY 2005, FY 2006, and FY 2007. No impact on Other State Funds in FY 2005, FY 2006, and FY 2007.