

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 1698, 1236, 995,
1362 & 1290**
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety March 15, 2006 with recommendation that House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 27, 2006 with recommendation that House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 and 1290 Do Pass with no time limit for debate.

Taken up for Perfection April 4, 2006. House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 and 1290 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

4908L.08P

AN ACT

To repeal sections 217.735, 544.671, 547.170, 558.018, 559.106, 566.010, 566.030, 566.032, 566.060, 566.062, 566.083, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.015, 589.414, 589.425, 632.484, 632.489, and 632.495, RSMo, and to enact in lieu thereof thirty-five new sections relating to sexual offenders, with penalty provisions.

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

Section A. Sections 217.735, 544.671, 547.170, 558.018, 559.106, 566.010, 566.030, 2 566.032, 566.060, 566.062, 566.083, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 3 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.015, 589.414, 589.425, 632.484, 4 632.489, and 632.495, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, 5 to be known as sections 217.735, 351.609, 489.042, 544.671, 547.170, 558.018, 559.106, 6 566.010, 566.030, 566.032, 566.060, 566.062, 566.083, 566.090, 566.145, 566.147, 566.149, 7 566.151, 568.020, 568.060, 575.159, 575.195, 589.015, 589.400, 589.402, 589.403, 589.405, 8 589.407, 589.414, 589.425, 632.484, 632.489, 632.495, 650.120, and 1, to read as follows:

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.

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 pleaded guilty to or been found guilty of an offense under section 566.030, 566.032, 566.060, **or 566.062, RSMo, based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense under section 566.067, 566.083, 566.100, 566.151, 566.212, 568.020, 568.080, or 568.090, RSMo, based on an act committed on or after August 28, 2005, 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, RSMo, **or of violating section 568.020, RSMo, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045, RSMo.**

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.

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

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

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

351.609. 1. For the purposes of this section, the following terms shall mean:

(1) "Adverse result", **danger to the life or physical safety of an individual, a flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or serious jeopardy to an investigation or undue delay of a trial that occurs as a result of the notification of a search warrant.**

(2) "Electronic communication services" and "remote computing services", the same meaning as provided by the Electronic Communications Privacy Act in Chapter 121 (commencing with Section 2701) of Part I of Title 18 of the United States Code Annotated, as amended. This section shall not apply to corporations that do not provide electronic communication services or remote computing services to the general public.

11 (3) "Foreign corporation", the same meaning as defined in section 351.015, and in
12 addition, those corporations organized under the laws of the United States government.

13 (4) "Missouri corporation", any corporation governed by the general and business
14 corporation law of Missouri under the provisions of this chapter that files its articles of
15 incorporation with the Missouri secretary of state and is issued a certificate of
16 incorporation under section 351.060.

17 (5) "Properly served", a search warrant that has been delivered by hand, or in a
18 manner reasonably allowing for proof of delivery by United States mail, overnight delivery
19 service, or facsimile to any officer of a foreign corporation or its general manager in this
20 state, or if the corporation is a bank to a cashier or an assistant cashier, or to any natural
21 person designated by the foreign corporation as an agent for the service of process, or any
22 person named in the latest certificate of the corporate agent if the corporation has
23 designated such a corporate agent. A copy of the statement and designation, or a copy of
24 the latest statement filed and certified by the secretary of state is sufficient evidence of the
25 appointment of an agent for the service of process.

26 2. The provisions of this section shall apply to any search warrant issued to search
27 for records that are in the actual or constructive possession of a foreign corporation that
28 provides electronic communication services or remote computing services to the general
29 public, where those records would reveal the identity of the customers using the service,
30 data stored by, or on behalf of, the customer, the customer's usage of those services, the
31 recipient or destination of communications sent to or from those customers, or the content
32 of those communications.

33 3. When properly served with a search warrant issued by a Missouri court, a
34 foreign corporation shall provide to the peace officer to whom the search warrant was
35 issued, all records sought under the warrant within five business days of receipt, including
36 any records maintained or located outside the state.

37 4. Where the peace officer to whom a search warrant was issued makes a showing
38 and the issuing judge finds that failure to produce records within five business days will
39 cause an adverse result, the warrant may require production of records within less than
40 five business days. A court may reasonably extend the time required for production of the
41 records upon finding that the foreign corporation has shown good cause for that extension
42 and that an extension of time would not cause an adverse result.

43 5. A foreign corporation seeking to quash the warrant must seek relief from the
44 court that issued the warrant within the time required for production of records under this
45 section. The issuing court shall hear and decide that motion no later than five court days
46 after the motion is filed.

47 **6. The foreign corporation shall verify the authenticity of records that it produces**
48 **by providing a verified affidavit. Such records shall be admissible as evidence.**

49 **7. A Missouri corporation that provides electronic communication services or**
50 **remote computing services to the general public, when served with a warrant issued by**
51 **another state to produce records that reveal the identity of the customers using those**
52 **services, data stored by, or on behalf of, the customer, the customer's usage of those**
53 **services, the recipient or destination of communications sent to or from those customers,**
54 **or the content of those communications, shall produce those records as if the warrant was**
55 **issued by a court of this state.**

56 **8. No cause of action shall lie against any foreign corporation or Missouri**
57 **corporation subject to this section, its officers, employees, agents, or other specified persons**
58 **for providing records, information, facilities, or assistance in accordance with the terms**
59 **of a warrant subject to this section.**

489.042. The court or the board of probation and parole shall have the authority
2 **to require a person who is required to register as a sexual offender under sections 589.400**
3 **to 589.425, RSMo, to give his or her assigned probation or parole officer access to his or**
4 **her personal home computer as a condition of probation or parole in order to monitor and**
5 **prevent such offender from obtaining and keeping child pornography or from committing**
6 **an offense under chapter 566, RSMo. Such access shall allow the probation or parole**
7 **officer to view the internet use history, computer hardware, and computer software of any**
8 **computer, including a laptop computer, that the offender owns.**

 544.671. Notwithstanding any supreme court rule or judicial ruling to the contrary, no
2 defendant under a sentence of death or imprisonment in the penitentiary for life, or [a] any
3 sentence of imprisonment for a violation of section 195.222, 565.021, or 565.050, RSMo, [or
4 subsection 1 of] section 566.030, **566.032, 566.040, 566.060, 566.062, 566.070, or 566.100,**
5 **RSMo, and no defendant who has pled guilty to or been found guilty of any felony sexual**
6 **offense under chapter 566, RSMo, where the victim was less than seventeen years of age**
7 **at the time the crime was committed, any sexual offense under chapter 568, RSMo, where**
8 **the victim was less than seventeen years of age at the time the crime was committed, or any**
9 **pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035,**
10 **and 573.037, and any felony violation of section 573.040, RSMo, shall be entitled to bail**
11 **pending appeal after June 29, 1994. Pursuant to the prerogative of the general assembly to**
12 **declare the public policy of this state in matters regarding criminal liability of persons and to**
13 **enact laws relating to judicial procedure, the general assembly declares that subsequent to June**
14 **29, 1994, no person shall be entitled to bail or continuation of bail pursuant to section 547.170,**
15 **RSMo, if that person is under a sentence of death or imprisonment in the penitentiary for life,**

16 or [a] **any** sentence of imprisonment for a violation of section 195.222, 565.021, or 565.050,
 17 RSMo, [or subsection 1 of] section 566.030, **566.032, 566.040, 566.060, 566.062, 566.070, or**
 18 **566.100, RSMo, and no defendant who has pled guilty to or been found guilty of any felony**
 19 **sexual offense under chapter 566, RSMo, where the victim was less than seventeen years**
 20 **of age at the time the crime was committed, any sexual offense under chapter 568, RSMo,**
 21 **where the victim was less than seventeen years of age at the time the crime was committed,**
 22 **or any pornographic offense involving a minor as set forth in sections 573.023, 573.025,**
 23 **573.035, and 573.037, and any felony violation of section 573.040, RSMo.**

547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in
 2 a criminal cause, except where the defendant is under sentence of death or imprisonment in the
 3 penitentiary for life, or [a] **any** sentence of imprisonment for a violation of sections 195.222,
 4 RSMo, 565.021, RSMo, 565.050, RSMo, [subsections 1 and 2 of] section 566.030, 566.032,
 5 566.040, 566.060, 566.062, 566.070, 566.100, RSMo, **or where the defendant has entered a**
 6 **plea of guilty to or been found guilty of any sexual offense under chapter 566, RSMo,**
 7 **where the victim was less than seventeen years of age at the time the crime was committed,**
 8 **any sexual offense under chapter 568, RSMo, where the victim was less than seventeen**
 9 **years of age at the time the crime was committed, or any pornographic offense involving**
 10 **a minor as set forth in sections 573.023, 573.025, 573.035, 573.037, and 573.040, RSMo, any**
 11 court or officer authorized to order a stay of proceedings under the preceding provisions may
 12 allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon
 13 a recognizance, with sufficient sureties, to be approved by such court or judge.

558.018. 1. The court shall sentence a person who has pleaded guilty to or has been
 2 found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy,
 3 statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this
 4 subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual
 5 offender.

6 2. A "persistent sexual offender" is one who has previously pleaded guilty to or has been
 7 found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible
 8 sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes
 9 designated in this subsection.

10 3. The term of imprisonment for one found to be a persistent sexual offender shall be
 11 [not less than thirty years, which term shall be served without] **imprisonment for life without**
 12 **eligibility for** probation or parole.

13 4. The court shall sentence a person who has pleaded guilty to or has been found guilty
 14 of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
 15 sodomy in the first degree, or an attempt to commit any of the preceding crimes or child

16 molestation in the first degree when classified as a class B felony or sexual abuse when classified
17 as a class B felony to an extended term of imprisonment as provided for in this section if it finds
18 the defendant is a predatory sexual offender.

19 5. For purposes of this section, a "predatory sexual offender" is a person who:

20 (1) Has previously pleaded guilty to or has been found guilty of the felony of forcible
21 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
22 first degree, or an attempt to commit any of the preceding crimes or child molestation in the first
23 degree when classified as a class B felony or sexual abuse when classified as a class B felony;
24 or

25 (2) Has previously committed an act which would constitute an offense listed in
26 subsection 4 of this section, whether or not the act resulted in a conviction; or

27 (3) Has committed an act or acts against more than one victim which would constitute
28 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was
29 charged with an additional offense or offenses as a result of such act or acts.

30 6. A person found to be a predatory sexual offender shall be imprisoned for life with
31 eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found
32 to be predatory sexual offenders for the purposes of determining the minimum prison term or the
33 length of sentence as defined or used in such subsection. Notwithstanding any other provision
34 of law, in no event shall a person found to be a predatory sexual offender receive a final
35 discharge from parole.

36 7. Notwithstanding any other provision of law, the court shall set the minimum time
37 required to be served before a predatory sexual offender is eligible for parole, conditional release
38 or other early release by the department of corrections. The minimum time to be served by a
39 person found to be a predatory sexual offender who:

40 (1) Has previously pleaded guilty to or has been found guilty of the felony of forcible
41 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
42 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
43 guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
44 sodomy in the first degree or an attempt to commit any of the preceding crimes shall be any
45 number of years but not less than thirty years;

46 (2) Has previously pleaded guilty to or has been found guilty of child molestation in the
47 first degree when classified as a class B felony or sexual abuse when classified as a class B
48 felony and pleads guilty to or is found guilty of attempting to commit or committing forcible
49 rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree
50 shall be any number of years but not less than fifteen years;

51 (3) Has previously pleaded guilty to or has been found guilty of the felony of forcible
52 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the

53 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
54 guilty of child molestation in the first degree when classified as a class B felony or sexual abuse
55 when classified as a class B felony shall be any number of years but not less than fifteen years;

56 (4) Has previously pleaded guilty to or has been found guilty of child molestation in the
57 first degree when classified as a class B felony or sexual abuse when classified as a class B
58 felony, and pleads guilty to or is found guilty of child molestation in the first degree when
59 classified as a class B felony or sexual abuse when classified as a class B felony shall be any
60 number of years but not less than fifteen years;

61 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of
62 subsection 5 of this section shall be any number of years within the range to which the person
63 could have been sentenced pursuant to the applicable law if the person was not found to be a
64 predatory sexual offender.

65 8. Notwithstanding any provision of law to the contrary, the department of corrections,
66 or any division thereof, may not furlough an individual found to be and sentenced as a persistent
67 sexual offender or a predatory sexual offender.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has pleaded guilty to or has been found guilty of an offense in
3 section 566.030, 566.032, 566.060, **or 566.062, RSMo, based on an act committed on or after**
4 **August 28, 2006, or the offender has plead guilty to or has been found guilty of an offense**
5 **under section 566.067, 566.083, 566.100, 566.151, 566.212, 568.020, 568.080, or 568.090,**
6 **RSMo, based on an act committed on or after August 28, 2005, against a victim who was less**
7 **than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this**
8 **section, the court shall order that the offender be supervised by the board of probation and parole**
9 **for the duration of his or her natural life.**

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or has been found guilty of an offense contained in chapter 566, RSMo, **or of**
12 **violating section 568.020, RSMo, when the person had sexual intercourse or deviate sexual**
13 **intercourse with the victim, or of violating subdivision (2) of subsection 1 of section**
14 **568.045, RSMo.**

15 3. When probation for the duration of the offender's natural life has been ordered, a
16 mandatory condition of such probation is that the offender be electronically monitored.
17 Electronic monitoring shall be based on a global positioning system or other technology that
18 identifies and records the offender's location at all times.

19 4. In appropriate cases as determined by a risk assessment, the court may terminate the
20 probation of an offender who is being supervised under this section when the offender is
21 sixty-five years of age or older.

566.010. As used in this chapter and chapter 568, RSMo, the following terms mean:

- 2 (1) "Deviate sexual intercourse", any act involving the genitals of one person and the
3 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
4 however slight, of the male or female sex organ or the anus by a finger, instrument or object done
5 for the purpose of arousing or gratifying the sexual desire of any person;
- 6 (2) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;
- 7 (3) "Sexual contact", any touching of another person with the genitals or any touching
8 of the genitals or anus of another person, or the breast of a female person, or such touching
9 through the clothing, for the purpose of arousing or gratifying sexual desire of any person;
- 10 (4) "Sexual intercourse", any penetration, however slight, of the female sex organ by the
11 male sex organ, whether or not an emission results.

566.030. 1. A person commits the crime of forcible rape if such person has sexual
2 intercourse with another person by the use of forcible compulsion. Forcible compulsion includes
3 the use of a substance administered without a victim's knowledge or consent which renders the
4 victim physically or mentally impaired so as to be incapable of making an informed consent to
5 sexual intercourse.

6 2. Forcible rape or an attempt to commit forcible rape is a felony for which the
7 authorized term of imprisonment is life imprisonment or a term of years not less than five years,
8 unless:

9 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
11 intercourse or deviate sexual intercourse with more than one person, in which case the authorized
12 term of imprisonment is life imprisonment or a term of years not less than ten years; or

13 (2) **The victim is a child less than twelve years of age, in which case the authorized**
14 **term of imprisonment is life imprisonment without eligibility for probation or parole until**
15 **the defendant has served not less than twenty-five years of such sentence or unless the**
16 **defendant has reached the age of seventy-five years and has served at least fifteen years of**
17 **such sentence.**

566.032. 1. A person commits the crime of statutory rape in the first degree if he has
2 sexual intercourse with another person who is less than fourteen years old.

3 2. Statutory rape in the first degree **or an attempt to commit statutory rape in the first**
4 **degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term
5 of years not less than five years, unless in the course thereof the actor inflicts serious physical
6 injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner,
7 subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person,

8 or the victim is less than twelve years of age in which case the authorized term of imprisonment
9 is life imprisonment or a term of years not less than ten years.

566.060. 1. A person commits the crime of forcible sodomy if such person has deviate
2 sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion
3 includes the use of a substance administered without a victim's knowledge or consent which
4 renders the victim physically or mentally impaired so as to be incapable of making an informed
5 consent to sexual intercourse.

6 2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for which the
7 authorized term of imprisonment is life imprisonment or a term of years not less than five years,
8 unless:

9 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
11 intercourse or deviate sexual intercourse with more than one person, in which case the authorized
12 term of imprisonment is life imprisonment or a term of years not less than ten years; or

13 (2) **The victim is a child less than twelve years of age, in which case the authorized**
14 **term of imprisonment is life imprisonment without eligibility for probation or parole until**
15 **the defendant has served not less than twenty-five years of such sentence or unless the**
16 **defendant has reached the age of seventy-five years and has served at least fifteen years of**
17 **such sentence.**

566.062. 1. A person commits the crime of statutory sodomy in the first degree if he has
2 deviate sexual intercourse with another person who is less than fourteen years old.

3 2. Statutory sodomy in the first degree **or an attempt to commit statutory sodomy in**
4 **the first degree** is a felony for which the authorized term of imprisonment is life imprisonment
5 or a term of years not less than five years, unless in the course thereof the actor inflicts serious
6 physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening
7 manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than
8 one person, or the victim is less than twelve years of age, in which case the authorized term of
9 imprisonment is life imprisonment or a term of years not less than ten years.

566.083. 1. A person commits the crime of sexual misconduct involving a child if the
2 person:

3 (1) Knowingly exposes his or her genitals to a child less than fourteen years of age under
4 circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm
5 to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fourteen years of age for
7 the purpose of arousing or gratifying the sexual desire of any person, including the child; or

8 (3) Knowingly coerces or induces a child less than fourteen years of age to expose the
9 child's genitals for the purpose of arousing or gratifying the sexual desire of any person,
10 including the child.

11 2. [As used in this section, the term "sexual act" means any of the following, whether
12 performed or engaged in either with any other person or alone: sexual or anal intercourse,
13 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual
14 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or
15 gratification of any individual who may view such depiction.

16 3.] **The provisions of this section shall apply regardless of whether the person**
17 **violates the section in person or via the Internet or other electronic means.**

18 3. **It is not an affirmative defense to prosecution for a violation of this section that**
19 **the person was a peace officer masquerading as a minor.**

20 4. Violation of this section **or an attempt to violate this section** is a class D felony
21 unless the actor has previously pleaded guilty to or been [convicted] **found guilty** of an offense
22 pursuant to this chapter or the actor has previously pleaded guilty to or has been [convicted]
23 **found guilty** of an offense against the laws of another state or jurisdiction which would
24 constitute an offense under this chapter, in which case it is a class C felony.

566.090. 1. A person commits the crime of sexual misconduct in the first degree if [he
2 has deviate sexual intercourse with another person of the same sex or he] **such person** purposely
3 subjects another person to sexual contact without that person's consent.

4 2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has
5 previously been convicted of an offense under this chapter or unless in the course thereof the
6 actor displays a deadly weapon in a threatening manner or the offense is committed as a part of
7 a ritual or ceremony, in which case it is a class D felony.

566.145. 1. A person commits the crime of sexual contact with [an inmate] **a prisoner**
2 **or offender** if:

3 (1) Such person is an employee of, or assigned to work in, any jail, prison or correctional
4 facility and such person has sexual intercourse or deviate sexual intercourse with [an inmate or
5 resident of the facility] **a prisoner or offender; or**

6 (2) **Such person is a probation and parole officer and has sexual intercourse or**
7 **deviate sexual intercourse with an offender who is under the direct supervision of the**
8 **officer.**

9 2. **For the purposes of this section the following terms shall mean:**

10 (1) **"Prisoner", includes any person who is in the custody of a jail, whether pretrial**
11 **or after disposition of a charge;**

12 **(2) "Offender", includes any person in the custody of a prison or correctional**
13 **facility and any person who is under the supervision of the state board of probation and**
14 **parole.**

15 **3.** Sexual contact with [an inmate] **a prisoner or offender** is a class D felony.

16 [3. The victim's consent] **4. Consent of a prisoner or offender** is not an affirmative
17 defense.

 566.147. 1. Any person who, **since July 1, 1979, has been or hereafter** has pleaded
2 guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the
3 provisions of this chapter or the provisions of section 565.253, RSMo, invasion of privacy;
4 subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare
5 of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual
6 performance; section 568.090, RSMo, promoting a sexual performance by a child; section
7 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child
8 pornography in the first degree; section 573.035, RSMo, promoting child pornography in the
9 second degree; section 573.037, RSMo, possession of child pornography, or section 573.040,
10 RSMo, furnishing pornographic material to minors; shall not [establish residency] **reside** within
11 one thousand feet of any public school as defined in section 160.011, RSMo, or any private
12 school giving instruction in a grade or grades not higher than the twelfth grade, or child-care
13 facility as defined in section 210.201, RSMo, which is in existence at the time such residency
14 is established.

15 2. If such person has already established a residence and a public school, a private
16 school, or child-care facility is subsequently built or placed within one thousand feet of such
17 person's residence, then such person shall, within one week of the opening of such public school,
18 private school, or child-care facility, notify the county sheriff where such public school, private
19 school, or child-care facility is located that he or she is now residing within one thousand feet
20 of such public school, private school, or child-care facility and shall provide verifiable proof to
21 the sheriff that he or she resided there prior to the opening of such public school, private school,
22 or child-care facility.

23 **3. For purposes of this section, "resides" means sleeps in a residence, which may**
24 **include more than one location and may be mobile or transitory.**

25 **4.** Violation of the provisions of subsection 1 of this section is a class D felony except
26 that the second or any subsequent violation is a class B felony. Violation of the provisions of
27 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
28 violation is a class D felony.

566.149. 1. Any person who has pleaded guilty or nolo contendere to, or been
2 **convicted of, or been found guilty of violating any of the provisions of this chapter or the**

3 provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo,
4 endangering the welfare of a child in the first degree; subsection 2 of section 568.080,
5 RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual
6 performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section
7 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing
8 pornographic material to minors; shall not be present in or loiter within five hundred feet
9 of any school building, on real property comprising any school, or in any conveyance
10 owned, leased, or contracted by a school to transport students to or from school or a
11 school-related activity when persons under the age of eighteen are present in the building,
12 on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or
13 custodian of a student present in the building and has met the conditions set forth in
14 subsection 2 of this section.

15 2. No parent, legal guardian, or custodian who has pleaded guilty or nolo
16 contendere to, or been convicted of, or been found guilty of violating any of the offenses
17 listed in subsection 1 of this section shall be present in any school building, on real
18 property comprising any school, or in any conveyance owned, leased, or contracted by a
19 school to transport students to or from school or a school-related activity when persons
20 under the age of eighteen are present in the building, on the grounds or in the conveyance
21 unless the parent, legal guardian, or custodian has permission to be present from the
22 superintendent or school board or in the case of a private school from the principal. In the
23 case of a public school, if permission is granted, the superintendent or school board
24 president must inform the principal of the school where the sex offender will be present.
25 Permission may be granted by the superintendent, school board, or in the case of a private
26 school from the principal for more than one event at a time, such as a series of events,
27 however, the parent, legal guardian, or custodian must obtain permission for any other
28 event he or she wishes to attend for which he or she has not yet had permission granted.

29 3. Violation of the provisions of this section shall be a class A misdemeanor.

566.151. 1. A person at least twenty-one years of age or older commits the crime of
2 enticement of a child if that person persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the Internet or any electronic communication, any
4 person who is less than fifteen years of age for the purpose of engaging in sexual conduct with
5 a child. A person shall be presumed to have acted for the purpose of engaging in sexual
6 conduct with a child if such person has previously pleaded guilty to or been found guilty
7 of any offense that would require such person to register as a sexual offender under the
8 provisions of sections 589.400 to 589.425, RSMo.

9 2. It is not an affirmative defense to a prosecution for a violation of this section that the
10 other person was a peace officer masquerading as a minor.

11 3. [Attempting to entice a child is a class D felony.

12 4.] Enticement of a child **or an attempt to commit enticement of a child** is a [class C
13 felony unless the person has previously pled guilty to or been found guilty of violating the
14 provisions of this section, section 568.045, 568.050, or 568.060, RSMo, or this chapter, in which
15 case it is a class B felony] **felony for which the authorized term of imprisonment shall not**
16 **be less than five years and not more than thirty years. No person convicted under this**
17 **section shall be eligible for parole, probation, conditional release, or suspended imposition**
18 **or execution of sentence for a period of five years.**

568.020. 1. A person commits the crime of incest if he marries or purports to marry or
2 engages in sexual intercourse or deviate sexual intercourse with a person he knows to be, without
3 regard to legitimacy:

4 (1) His ancestor or descendant by blood or adoption; or

5 (2) His stepchild, while the marriage creating that relationship exists; or

6 (3) His brother or sister of the whole or half-blood; or

7 (4) His uncle, aunt, nephew or niece of the whole blood.

8 2. [For purposes of this section:

9 (1) "Sexual intercourse" means any penetration, however slight, of the female sex organ
10 by the male sex organ;

11 (2) "Deviate sexual intercourse" means any act of sexual gratification between persons
12 not lawfully married to one another, involving the genitals of one person and the mouth, tongue
13 or anus of another.

14 3.] Incest is a class D felony.

568.060. 1. A person commits the crime of abuse of a child if such person[:

2 (1)] knowingly inflicts cruel and inhuman punishment upon a child less than seventeen
3 years old[; or

4 (2) Photographs or films a child less than eighteen years old engaging in a prohibited
5 sexual act or in the simulation of such an act or who causes or knowingly permits a child to
6 engage in a prohibited sexual act or in the simulation of such an act for the purpose of
7 photographing or filming the act.

8 2. As used in this section "prohibited sexual act" means any of the following, whether
9 performed or engaged in either with any other person or alone: sexual or anal intercourse,
10 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual
11 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or
12 gratification of any individual who may view such depiction].

13 [3.] 2. Abuse of a child is a class C felony, unless:

14 (1) In the course thereof the person inflicts serious emotional injury on the child, or the
15 offense is committed as part of a ritual or ceremony in which case the crime is a class B felony;
16 or

17 (2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the
18 provisions of this section, in which case the crime is a class A felony.

19 [4. As used in this section, the word "fetishism" means a condition in which erotic
20 feelings are excited by an object or body part whose presence is psychologically necessary for
21 sexual stimulation or gratification.]

**575.159. 1. A person commits the crime of aiding a sexual offender if such person
2 knows that another person is a convicted sexual offender who is required to register as a
3 sexual offender and has reason to believe that such sexual offender is not complying, or has
4 not complied with the requirements of sections 589.400 to 589.425, RSMo, and who, with
5 the intent to assist the sexual offender in eluding a law enforcement agency that is seeking
6 to find the sexual offender to question the offender about, or to arrest the offender for, his
7 or her noncompliance with the requirements of sections 589.400 to 589.425, RSMo:**

8 (1) Withholds information from or does not notify the law enforcement agency
9 about the sexual offender's noncompliance with the requirements of sections 589.400 to
10 589.425, RSMo, and if known the whereabouts of the sexual offender;

11 (2) Harbors or attempts to harbor or assists another person in harboring or
12 attempting to harbor the sexual offender;

13 (3) Conceals or attempts to conceal or assists another person in concealing or
14 attempting to conceal the sexual offender; or

15 (4) Provides information to the law enforcement agency regarding the sexual
16 offender which the person knows to be false information.

17 **2. Aiding a sexual offender is a class D felony.**

18 **3. The provisions of this section do not apply if the sexual offender is incarcerated**
19 **in or is in the custody of a state correctional facility, a private correctional facility, a local**
20 **jail, or a federal correctional facility.**

**575.195. 1. A person commits the crime of escape from commitment or detention if he
2 or she has been committed to a state mental hospital under the provisions of sections 552.010
3 to 552.080, RSMo, or [of] sections 632.480 to 632.513, RSMo, or has been ordered to be taken
4 into custody, detained, or held pursuant to sections 632.480 to 632.513, RSMo, or as provided
5 by section 632.475, RSMo, has been committed to the department of mental health as a
6 criminal sexual psychopath under statutes in effect before August 13, 1980, and he or she
7 escapes from such commitment or detention.**

8 **2. Escape from commitment or detention is a class D felony.**

589.015. As used in sections 589.010 to 589.040:

2 (1) The term "center" shall mean the state center for the prevention and control of sexual
3 assault established pursuant to section 589.030;

4 (2) The term "sexual assault" shall include:

5 (a) The acts of rape, forcible rape, statutory rape in the first degree, statutory rape in the
6 second degree, sexual assault, sodomy, forcible sodomy, statutory sodomy in the first degree,
7 statutory sodomy in the second degree, child molestation in the first degree, child molestation
8 in the second degree, deviate sexual assault, sexual misconduct [and], sexual abuse, **and**
9 **enticement of a child**, or attempts to commit any of the aforesaid, as these acts are defined in
10 chapter 566, RSMo;

11 (b) The act of incest, as this act is defined in section 568.020, RSMo;

12 (c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section
13 568.060, RSMo, which involves sexual contact, and as defined in subdivision (2) of subsection
14 1 of section 568.060, RSMo; and

15 (d) The act of use of a child in a sexual performance as defined in section 568.080,
16 RSMo.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
3 guilty of, or pled guilty or nolo contendere to committing, or attempting to commit, a felony
4 offense of chapter 566, RSMo, or any offense of chapter 566, RSMo, **or any offense under**
5 **section 565.200, RSMo**, where the victim is a minor; or

6 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
7 guilty of, or pled guilty or nolo contendere to committing, or attempting to commit one or more
8 of the following offenses: kidnapping, [pursuant to section 565.110, RSMo;] **and** felonious
9 restraint **when the victim is a child and the defendant is not a parent or guardian of the**
10 **child**; promoting prostitution in the first degree; promoting prostitution in the second degree;
11 promoting prostitution in the third degree; sexual exploitation of a minor; promoting child
12 pornography in the first degree; promoting child pornography in the second degree; possession
13 of child pornography; furnishing pornographic material to minors; public display of explicit
14 sexual material; coercing acceptance of obscene material; promoting obscenity in the first
15 degree; promoting pornography for minors or obscenity in the second degree; incest; [abuse of
16 a child, pursuant to section 568.060, RSMo;] use of a child in a sexual performance; or
17 promoting sexual performance by a child; and committed or attempted to commit the offense
18 against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a
19 person under eighteen years of age; or

20 (3) Any person who, since July 1, 1979, has been committed to the department of mental
21 health as a criminal sexual psychopath; or

22 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
23 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

24 (5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
25 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, foreign
26 country, or under federal or military jurisdiction to committing, or attempting to commit, an
27 offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony
28 violation of any offense listed in subdivision (2) of this subsection or has been or is required to
29 register in another state or has been or is required to register under federal or military law; or

30 (6) Any person who has been or is required to register in another state or has been or is
31 required to register under federal or military law and who works or attends school or training on
32 a [full-time or on a part-time] **temporary** basis in Missouri. ["Part-time"] "**Temporary**" in this
33 subdivision means for more than fourteen days in any twelve-month period.

34 2. Any person to whom sections 589.400 to 589.425 apply shall, within ten days of
35 conviction, release from incarceration, or placement upon probation, register with the chief law
36 enforcement official of the county **or city not within a county** in which such person resides
37 unless such person has already registered in that county for the same offense. Any person to
38 whom sections 589.400 to 589.425 apply if not currently registered in their county of residence
39 shall register with the chief law enforcement official of such county **or city not within a county**
40 within ten days of August 28, 2003. The chief law enforcement official shall forward a copy of
41 the registration form required by section 589.407 to a city, town, village, or campus law
42 enforcement agency located within the county of the chief law enforcement official, if so
43 requested. Such request may ask the chief law enforcement official to forward copies of all
44 registration forms filed with such official. The chief law enforcement official may forward a
45 copy of such registration form to any city, town, village, or campus law enforcement agency, if
46 so requested.

47 3. The registration requirements of sections 589.400 through 589.425 are lifetime
48 registration requirements unless all offenses requiring registration are reversed, vacated or set
49 aside, **or the offender is exempt under subsection 4 of this section**, or unless the registrant is
50 pardoned of the offenses requiring registration.

51 4. (1) **Any person to whom sections 589.400 to 589.425 apply who was under**
52 **twenty-one years of age at the time the crime was committed, and whose victim was over**
53 **the age of fourteen at the time the crime was committed, which caused such person to have**
54 **to register as a sex offender, or who was convicted of, found guilty of, or pleaded guilty to**
55 **committing felonious restraint when the victim was a child and he or she was the parent**

56 or guardian of the child, nonsexual child abuse that was committed under section 568.060,
57 RSMo, or kidnapping when the victim was a child and he or she was the parent or
58 guardian of the child, and has been released from confinement, supervision, or sentence
59 for any of the offenses in section 589.400 and has been released from supervision for at
60 least ten years, and has not committed another offense which would require the offender
61 to register under sections 589.400 to 589.425 may file a petition in the civil division of the
62 circuit court in the county in which the offender was convicted or found guilty of or pled
63 guilty to the offenses for removal of such person's name from the sex offender registry.
64 The court may grant such relief if such person demonstrates to the court that he or she has
65 complied with the provisions of this section and is not a current or potential threat to
66 public safety. The prosecuting attorney in the circuit court in which the petition is filed
67 must be given notice, by the person seeking removal from the registry, of the petition to
68 present evidence in opposition to the requested relief or may otherwise demonstrate the
69 reasons why the petition should be denied. Failure of the person seeking removal from the
70 registry to notify the prosecuting attorney of the petition shall result in an automatic denial
71 of such person's petition. If the prosecuting attorney is notified of the petition he or she
72 shall make reasonable efforts to notify the victim of the crime for which the person was
73 required to register, of the petition and the dates and times of any hearings or other
74 proceedings in connection with that petition.

75 (2) If the petition is denied, such person shall wait at least twelve months before
76 petitioning the court again. If the court finds that the petitioner is entitled to relief, which
77 removes such person's name from the registry, a certified copy of the written findings or
78 order shall be forwarded by the court to the chief law enforcement official having
79 jurisdiction over the offender and to the Missouri state highway patrol in order to have
80 such person's name removed from the registry.

81 5. Any nonresident worker or nonresident student shall register for the duration
82 of such person's employment or attendance at any school of higher education and is not
83 entitled to the provisions of subsection 4 of this section. Any registered offender from
84 another state who has a temporary residence in this state and resides more than fourteen
85 days in a twelve-month period shall register for the duration of such person's temporary
86 residency and is not entitled to the provisions of subsection 4 of this section.

87 6. For processing an initial sex offender registration the chief law enforcement officer
88 of the county may charge the offender registering a fee of up to [ten] twenty dollars.

89 [5.] 7. For processing any change in registration required pursuant to section 589.414 the
90 chief law enforcement official of the county may charge the person changing their registration
91 a fee of [five] ten dollars for each change made after the initial registration.

589.402. 1. The chief law enforcement officer of the county **or city not within a county** may maintain a web page on the Internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the Internet to search for and find the information specified in [subdivisions (1) to (4) of] subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of, or plead guilty to committing or attempting to commit sexual offenses shall be included on this web site.

3. Only the information listed in [subdivisions (1) to (4) of] this subsection shall be provided to the public in the registered sexual offender search:

(1) The name **and any known aliases** of the offender;

(2) [The last known address] **The date of birth and any known alias dates of birth of the offender;**

(3) **A physical description of the offender;**

(4) **The residence, temporary, work and school addresses** of the offender, including the street address, city, county, state, and zip code;

[(3) A] (5) **Any photograph of the offender; [and**

(4) The crime or crimes for which the offender was convicted that caused him or her to have to register.] (6) **A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;**

(7) **The nature and dates of all offenses qualifying the offender to register;**

(8) **The date on which the offender was released from the department of mental health, prison, jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;**

(9) **Compliance status of the offender.**

589.403. Any person to whom subsection 1 of section 589.400 applies who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections or any mental health institution where such person was confined, shall be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall obtain the address where the person expects to reside upon discharge, parole or release, and shall report such address to the chief law enforcement official of the county **or city not within a county** where the person expects to reside upon discharge, parole or release.

589.405. Any person to whom subsection 1 of section 589.400 applies who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425, the court shall obtain the address where the person expects to reside upon discharge, parole or release and shall report such address to the chief law enforcement official of the county **or city not within a county** where the person expects to reside upon discharge, parole or release.

589.407. **1.** Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form shall include, but is not limited to the following:

(1) A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, **the license plate number and vehicle description, including the year, make, model, and color to each vehicle owned or operated by the offender**, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

(2) The fingerprints and a photograph of the person.

2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form to include, but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card;

(2) A document verifying the proof of offender's residency; and

(3) A photocopy of the offender's vehicle or vehicles registration.

589.414. **1.** If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county **or city not within a county** as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county **or city not within a county** having jurisdiction over the new residence or address in writing within ten days of such new address and phone number, if

10 the phone number is also changed. If any person required by sections 589.400 to 589.425 to
11 register changes their state of residence, the person shall appear in person and shall inform both
12 the chief law enforcement official with whom the person was last registered and the chief law
13 enforcement official of the area in the new state having jurisdiction over the new residence or
14 address within ten days of such new address. Whenever a registrant changes residence, the chief
15 law enforcement official of the county **or city not within a county** where the person was
16 previously registered shall promptly inform the Missouri state highway patrol of the change.
17 When the registrant is changing the residence to a new state, the Missouri state highway patrol
18 shall promptly inform the responsible official in the new state of residence.

19 3. Any person required by sections 589.400 to 589.425 to register who changes his or
20 her enrollment or employment status with any institution of higher education within this state,
21 by either beginning or ending such enrollment or employment, shall inform the chief law
22 enforcement officer of such change within seven days after such change is made.

23 4. Any person required by sections 589.400 to 589.425 to register who officially changes
24 such person's name shall inform the chief law enforcement officer of such name change within
25 seven days after such change is made.

26 5. In addition to the requirements of subsections 1 and 2 of this section, the following
27 offenders shall report in person to the county law enforcement agency every ninety days to verify
28 the information contained in their statement made pursuant to section 589.407:

29 (1) Any offender registered as a predatory or persistent sexual offender under the
30 definitions found in section 558.018, RSMo;

31 (2) Any offender who is registered for a crime where the victim was less than eighteen
32 years of age at the time of the offense; and

33 (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425
34 of failing to register or submitting false information when registering.

35 6. In addition to the requirements of subsections 1 and 2 of this section, all registrants
36 shall report [annually] **semi-annually** in person in the month of their birth **and six months**
37 **thereafter** to the [county] **chief** law enforcement agency to verify the information contained in
38 their statement made pursuant to section 589.407. **All registrants shall provide an updated**
39 **photograph of himself or herself when reporting in the month of his or her birth to the**
40 **county law enforcement agency. The photograph must depict a clear likeness of the**
41 **registrant or the registrant shall be in violation of this section.**

42 7. In addition to the requirements of subsections 1 and 2 of this section, all Missouri
43 registrants who work or attend school or training on a [full-time or part-time] **temporary** basis
44 **or has a temporary address** in any other state shall be required to report in person to the chief
45 law enforcement officer in the area of the state where they work or attend school or training **or**

46 **has a temporary address** and register in that state. ["Part-time"] "**Temporary**" in this
47 subsection means for more than fourteen days in any twelve-month period.

589.425. 1. Any person who is required to register pursuant to sections 589.400 to
2 589.425 and does not meet all requirements of sections 589.400 to 589.425 is guilty of a class
3 [A misdemeanor] **D felony**, unless the person has been convicted pursuant to chapter 566 of an
4 unclassified felony, class A felony, class B felony, or any felony involving a child under the age
5 of fourteen, in which case the person is guilty of a class [D] **C felony**.

6 2. Any person who commits a second or subsequent violation of subsection 1 of this
7 section is guilty of a class [D] **C felony**, unless the person has been convicted pursuant to chapter
8 566 of an unclassified felony, class A felony, class B felony, or any felony involving a child
9 under the age of fourteen, in which case the person is guilty of a class [C] **B felony**.

10 **3. Any person who is required to register under sections 589.400 to 589.425, and**
11 **commits a third violation of this section shall be electronically monitored in the same**
12 **manner as those individuals who are monitored under section 217.735, RSMo, for a period**
13 **of ten years. Any person who commits a fourth or subsequent violation of this section shall**
14 **be electronically monitored for an additional ten-year period for each violation.**

632.484. 1. When the attorney general receives written notice from any law enforcement
2 agency that a person, who has pled guilty to or been convicted of a sexually violent offense and
3 who is not presently in the physical custody of an agency with jurisdiction:

4 (1) Has committed a recent overt act; or

5 (2) Has been in the custody of an agency with jurisdiction within the preceding ten years
6 and may meet the criteria of a sexually violent predator;

7
8 the attorney general may file a petition for detention and evaluation with the probate division of
9 the court in which the person was convicted, or committed pursuant to chapter 552, RSMo,
10 alleging the respondent may meet the definition of a sexually violent predator and should be
11 detained for evaluation for a period of up to nine days. The written notice shall include the
12 previous conviction record of the person, a description of the recent overt act, if applicable, and
13 any other evidence which tends to show the person to be a sexually violent predator. The
14 attorney general shall provide notice of the petition to the prosecuting attorney of the county
15 where the petition was filed.

16 2. Upon a determination by the court that the person may meet the definition of a
17 sexually violent predator, the court shall order the detention and transport of such person to a
18 secure facility to be determined by the department of mental health **under the provisions of**
19 **section 632.495**. The attorney general shall immediately give written notice of such to the
20 department of mental health.

21 3. Upon receiving physical custody of the person and written notice pursuant to
22 subsection 2 of this section, the department of mental health shall, through either a psychiatrist
23 or psychologist as defined in section 632.005, make a determination whether or not the person
24 meets the definition of a sexually violent predator. The department of mental health shall, within
25 seven days of receiving physical custody of the person, provide the attorney general with a
26 written report of the results of its investigation and evaluation. The attorney general shall
27 provide any available records of the person that are retained by the department of corrections to
28 the department of mental health for the purposes of this section. If the department of mental
29 health is unable to make a determination within seven days, the attorney general may request an
30 additional detention of ninety-six hours from the court for good cause shown.

31 4. If the department determines that the person may meet the definition of a sexually
32 violent predator, the attorney general shall provide the results of the investigation and evaluation
33 to the prosecutors' review committee. The prosecutors' review committee shall, by majority vote,
34 determine whether or not the person meets the definition of a sexually violent predator within
35 twenty-four hours of written notice from the attorney general's office. If the prosecutors' review
36 committee determines that the person meets the definition of a sexually violent predator, the
37 prosecutors' review committee shall provide written notice to the attorney general of its
38 determination. The attorney general may file a petition pursuant to section 632.486 within
39 forty-eight hours after obtaining the results from the department.

40 5. For the purposes of this section "recent overt act" means any act that creates a
41 reasonable apprehension of harm of a sexually violent nature.

42 6. The provisions of subdivision (2) of subsection 1 of this section shall expire
43 December 31, 2001.

632.489. 1. Upon filing a petition pursuant to section 632.484 or 632.486, the judge
2 shall determine whether probable cause exists to believe that the person named in the petition
3 is a sexually violent predator. If such probable cause determination is made, the judge shall
4 direct that person be taken into custody and direct that the person be transferred to an appropriate
5 secure facility, including, but not limited to, a county jail. If the person is ordered to the
6 department of mental health, the director of the department of mental health shall determine the
7 appropriate secure facility to house the person **under the provisions of section 632.495.**

8 2. Within seventy-two hours after a person is taken into custody pursuant to subsection
9 1 of this section, excluding Saturdays, Sundays and legal holidays, such person shall be provided
10 with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as
11 to whether the detained person is a sexually violent predator. At this hearing the court shall:

12 (1) Verify the detainee's identity; and

13 (2) Determine whether probable cause exists to believe that the person is a sexually
14 violent predator. The state may rely upon the petition and supplement the petition with
15 additional documentary evidence or live testimony.

16 3. At the probable cause hearing as provided in subsection 2 of this section, the detained
17 person shall have the following rights in addition to the rights previously specified:

18 (1) To be represented by counsel;

19 (2) To present evidence on such person's behalf;

20 (3) To cross-examine witnesses who testify against such person; and

21 (4) To view and copy all petitions and reports in the court file, including the assessment
22 of the multidisciplinary team.

23 4. If the probable cause determination is made, the court shall direct that the person be
24 transferred to an appropriate secure facility, including, but not limited to, a county jail, for an
25 evaluation as to whether the person is a sexually violent predator. If the person is ordered to the
26 department of mental health, the director of the department of mental health shall determine the
27 appropriate secure facility to house the person. The court shall direct the director of the
28 department of mental health to have the person examined by a psychiatrist or psychologist as
29 defined in section 632.005 who was not a member of the multidisciplinary team that previously
30 reviewed the person's records. In addition, such person may be examined by a consenting
31 psychiatrist or psychologist of the person's choice at the person's own expense. Any examination
32 shall be conducted in the facility in which the person is confined. Any examinations ordered
33 shall be made at such time and under such conditions as the court deems proper; except that, if
34 the order directs the director of the department of mental health to have the person examined,
35 the director shall determine the time, place and conditions under which the examination shall be
36 conducted. The psychiatrist or psychologist conducting such an examination shall be authorized
37 to interview family and associates of the person being examined, as well as victims and
38 witnesses of the person's offense or offenses, for use in the examination unless the court for good
39 cause orders otherwise. The psychiatrist or psychologist shall have access to all materials
40 provided to and considered by the multidisciplinary team and to any police reports related to
41 sexual offenses committed by the person being examined. Any examination performed pursuant
42 to this section shall be completed and filed with the court within sixty days of the date the order
43 is received by the director or other evaluator unless the court for good cause orders otherwise.
44 One examination shall be provided at no charge by the department. All costs of any subsequent
45 evaluations shall be assessed to the party requesting the evaluation.

632.495. The court or jury shall determine whether, beyond a reasonable doubt, the
2 person is a sexually violent predator. If such determination that the person is a sexually violent
3 predator is made by a jury, such determination shall be by unanimous verdict of such jury. Any
4 determination as to whether a person is a sexually violent predator may be appealed. If the court

5 or jury determines that the person is a sexually violent predator, the person shall be committed
6 to the custody of the director of the department of mental health for control, care and treatment
7 until such time as the person's mental abnormality has so changed that the person is safe to be
8 at large. Such control, care and treatment shall be provided by the department of mental health.
9 At all times, **persons ordered to the department of mental health after a determination by**
10 **the court that such persons may meet the definition of a sexually violent predator, persons**
11 **ordered to the department of mental health after a finding of probable cause under section**
12 **632.489, and** persons committed for control, care and treatment by the department of mental
13 health pursuant to sections 632.480 to 632.513 shall be kept in a secure facility designated by the
14 director of the department of mental health and such persons shall be segregated at all times from
15 any other patient under the supervision of the director of the department of mental health. The
16 department of mental health shall not place or house [an offender determined to be a sexually
17 violent predator] **a person ordered to the department of mental health after a determination**
18 **by the court that such person may meet the definition of a sexually violent predator, a**
19 **person ordered to the department of mental health after a finding of probable cause under**
20 **section 632.489, or a person committed for control, care, and treatment by the department**
21 **of mental health,** pursuant to sections 632.480 to 632.513, with other mental health patients
22 [who have not been determined to be sexually violent predators]. The department of mental
23 health is authorized to enter into an interagency agreement with the department of corrections
24 for the confinement of such persons. Such persons who are in the confinement of the department
25 of corrections pursuant to an interagency agreement shall be housed and managed separately
26 from offenders in the custody of the department of corrections, and except for occasional
27 instances of supervised incidental contact, shall be segregated from such offenders. If the court
28 or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator,
29 the court shall direct the person's release. Upon a mistrial, the court shall direct that the person
30 be held at an appropriate secure facility, including, but not limited to, a county jail, until another
31 trial is conducted. If the person is ordered to the department of mental health, the director of the
32 department of mental health shall determine the appropriate secure facility to house the person.
33 Any subsequent trial following a mistrial shall be held within ninety days of the previous trial,
34 unless such subsequent trial is continued as provided in section 632.492.

650.120. 1. Subject to appropriation, the department of public safety shall create
2 **a program to distribute grants to multijurisdictional Internet cyber crime law enforcement**
3 **task forces and other law enforcement agencies. The grants shall be awarded and used to**
4 **pay the salaries of newly hired detectives and computer forensic personnel whose focus is**
5 **investigating Internet sex crimes against children, including but not limited to enticement**
6 **of a child, possession or promotion of child pornography, and to provide funding for the**

7 training of such personnel. Such funding for a training program may be used to cover the
8 travel expenses of those persons participating in such program.

9 2. A panel is hereby established in the department of public safety to award grants
10 under this program and shall be comprised of the following members:

11 (1) The director of the department of public safety, or his or her designee;

12 (2) Two members shall be appointed by the director of the department of public
13 safety from a list of six nominees submitted by the Missouri Police Chief's Association;

14 (3) Two members shall be appointed by the director of the department of public
15 safety from a list of six nominees submitted by the Missouri Sheriffs' Association;

16 (4) One member of the house of representatives who shall be appointed by the
17 speaker of the house of representatives; and

18 (5) One member of the senate who shall be appointed by the president pro tem.

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20 The panel members who are appointed under subdivisions (2) and (3) of this subsection
21 shall serve a four-year term ending four years from the date of expiration of the term for
22 which his or her predecessor was appointed. However, a person appointed to fill a vacancy
23 prior to the expiration of such a term shall be appointed for the remainder of the term.
24 Such members shall hold office for the term of his or her appointment and until a successor
25 is appointed. The members of the panel shall receive no additional compensation but shall
26 be eligible for reimbursement for mileage directly related to the performance of panel
27 duties.

28 3. Local matching amounts are required for multijurisdictional Internet cyber
29 crime law enforcement task forces and other law enforcement agencies to receive grants
30 awarded by the panel. Such amounts shall be determined by the state appropriations
31 process or by the panel.

32 4. The panel may make recommendations to the general assembly regarding the
33 need for additional resources or appropriations.

34 5. Under section 23.253, RSMo, of the Missouri sunset act:

35 (1) The provisions of the new program authorized under this section shall sunset
36 automatically six years after the effective date of this section unless reauthorized by an act
37 of the general assembly; and

38 (2) If such program is reauthorized, the program authorized under this section
39 shall sunset automatically twelve years after the effective date of the reauthorization of this
40 section; and

41 (3) This section shall terminate on September first of the calendar year immediately
42 following the calendar year in which the program authorized under this section is sunset.

**Section 1. 1. The department of corrections shall notify the highway patrol of any
2 offender who is required as a mandatory condition of lifetime supervision to be
3 electronically monitored, under section 217.735, RSMo, and section 559.106, RSMo, and
4 shall notify the highway patrol when the supervision of the offender has been terminated
5 in appropriate cases as determined by a risk assessment when the offender is sixty-five
6 years of age or older.**

**7 2. The highway patrol shall enter the electronic monitoring of the offender into the
8 Missouri law enforcement system (MULES) and sexual offender registry where it is
9 available to members of the criminal justice system, and other entities as provided by law,
10 upon inquiry.**

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