

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NOS. 588, 557, 579, 563,
869, 619, 570, 753, 764, 782, 783 & 890**
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety May 3, 2006 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3083L.14C

AN ACT

To repeal sections 43.650, 210.1012, 217.735, 544.671, 547.170, 556.061, 558.018, 559.106, 566.030, 566.032, 566.060, 566.062, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-nine new sections relating to sexual offenders, with penalty provisions and an emergency clause.

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

Section A. Sections 43.650, 210.1012, 217.735, 544.671, 547.170, 556.061, 558.018,
2 559.106, 566.030, 566.032, 566.060, 566.062, 566.083, 566.086, 566.090, 566.145, 566.147,
3 566.151, 568.020, 568.060, 575.195, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407,
4 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507,
5 RSMo, are repealed and forty-nine new sections enacted in lieu thereof, to be known as sections
6 43.533, 43.650, 188.023, 210.1012, 217.735, 351.609, 489.042, 544.025, 544.671, 547.170,
7 556.061, 558.018, 559.106, 566.030, 566.032, 566.060, 566.062, 566.083, 566.086, 566.090,

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.

8 566.145, 566.147, 566.149, 566.151, 566.213, 568.020, 568.060, 575.159, 575.195, 589.015,
9 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489,
10 632.495, 632.498, 632.501, 632.504, 632.505, 632.507, 650.120, 1, and 2, to read as follows:

**43.533. 1. The highway patrol shall, subject to appropriation, operate a toll-free
2 telephone number in order to disseminate registration information provided by individuals
3 who are required to register under sections 589.400 to 589.425, RSMo, and receive
4 information from persons regarding the residency of a registered sexual offender. The
5 information available via the telephone number shall include only information that
6 offenders are required to provide under section 589.407, RSMo. When the highway patrol
7 provides such information regarding a sexual offender, the patrol personnel shall advise
8 the person making the inquiry that positive identification of a person believed to be a
9 sexual offender cannot be established unless a fingerprint comparison is made, and that
10 it is illegal to use such information regarding a registered sexual offender to facilitate the
11 commission of a crime. The toll-free telephone number shall be published on the highway
12 patrol's sexual offender registry web site maintained under section 43.650.**

**13 2. The patrol shall promulgate rules to effect the enforcement of this section. Any
14 rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created
15 under the authority delegated in this section shall become effective only if it complies with
16 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
17 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
18 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to
19 delay the effective date, or to disapprove and annul a rule are subsequently held
20 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
21 after August 28, 2006, shall be invalid and void.**

43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the Internet
2 which shall be open to the public and shall include a registered sexual offender search capability.

3 2. The registered sexual offender search shall make it possible for any person using the
4 Internet to search for and find the information specified in [subdivisions (1) to (4) of subsection
5 4 of] this section, if known, on offenders registered in this state pursuant to sections 589.400 to
6 589.425, RSMo, except that only persons who have been convicted of, found guilty of or plead
7 guilty to committing or attempting to commit sexual offenses shall be included on this web site.

8 3. The registered sexual offender search shall include the capability to search for sexual
9 offenders by name, zip code, and by typing in an address and specifying a search within a certain
10 number of miles radius from that address.

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

- 13 (1) The name **and any known aliases** of the offender;
14 (2) **The date of birth and any known alias dates of birth of the offender;**
15 (3) **A physical description of the offender;**
16 (4) The [last known address] **residence, temporary, work, and school addresses** of the
17 offender, including the street address, city, county, state, and zip code;
18 [(3) A photograph] (5) **Any photographs** of the offender; [and
19 (4) The crime or crimes for which the offender was convicted that caused him or her to
20 have to register.]
21 (6) **A physical description of the offender's vehicles, including the year, make,**
22 **model, color, and license plate number;**
23 (7) **The nature and dates of all offenses qualifying the offender to register;**
24 (8) **The date on which the offender was released from the department of mental**
25 **health, prison, or jail, or placed on parole, supervised release, or probation for the offenses**
26 **qualifying the offender to register; and**
27 (9) **Compliance status of the offender with the provisions of sections 589.400 to**
28 **589.425, RSMo.**

2 **188.023. Any licensed health care professional who delivers a baby or performs an**
3 **abortion, who has prima facie evidence that a patient has been the victim of statutory rape**
4 **in the first degree or statutory rape in the second degree, or if the patient is under the age**
5 **of eighteen, that he or she has been a victim of sexual abuse, including forcible rape, sexual**
6 **assault, or incest, shall be required to report such offenses in the same manner as provided**
7 **for by section 210.115, RSMo.**

2 210.1012. 1. There is hereby created a statewide program called the "Amber Alert
3 System" referred to in this section as the "system" to aid in the identification and location of **an**
4 abducted [persons] **child**.

5 2. For the purposes of this section, "abducted [person] **child**" means a [person] **child**
6 whose whereabouts are unknown and who is:

- 7 (1) **Under the age of seventeen and** reasonably believed to be the victim of the crime
8 of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;
9 (2) **Reasonably believed to be the victim of the crime of child kidnapping, as defined**
10 **by section 565.115, RSMo, as determined by law enforcement; or**
11 (3) **Under the age of seventeen and over the age of fourteen, but would otherwise**
12 **be reasonably believed to be a victim of child kidnapping as defined by section 565.115,**
13 **RSMo, as determined by law enforcement, if such person was under the age of fourteen.**
14 3. The department of public safety shall develop regions to provide the system. The
department of public safety shall coordinate local law enforcement agencies and public

15 commercial television and radio broadcasters to provide an effective system. In the event that
16 a local law enforcement agency opts not to set up a system and an abduction occurs within the
17 jurisdiction, it shall notify the department of public safety who will notify local media in the
18 region.

19 4. The Amber alert system shall include all state agencies capable of providing urgent
20 and timely information to the public together with broadcasters and other private entities that
21 volunteer to participate in the dissemination of urgent public information. At a minimum, the
22 Amber alert system shall include the department of public safety, highway patrol, department of
23 transportation, department of health and senior services, and Missouri lottery.

24 5. The department of public safety shall have the authority to notify other regions upon
25 verification that the criteria established by the oversight committee has been met.

26 6. Participation in an Amber alert system is entirely at the option of local law
27 enforcement agencies and federally licensed radio and television broadcasters.

28 7. Any person who knowingly makes a false report that triggers an alert pursuant to this
29 section is guilty of a class A misdemeanor.

217.735. 1. Notwithstanding any other provision of law to the contrary, the board shall
2 supervise an offender for the duration of his or her natural life when the offender has pleaded
3 guilty to or been found guilty of an offense under section 566.030, 566.032, 566.060, **or 566.062,**
4 **RSMo, based on an act committed on or after August 28, 2006, or the offender has pleaded**
5 **guilty to or has been found guilty of an offense under section 566.067, 566.083, 566.100,**
6 **566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, RSMo, based on an act committed**
7 **on or after August 28, [2005] 2006, against a victim who was less than fourteen years old and**
8 **the offender is a prior sex offender as defined in subsection 2 of this section.**

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

14 3. Subsection 1 of this section applies to offenders who have been granted probation, and
15 to offenders who have been released on parole, conditional release, or upon serving their full
16 sentence without early release. Supervision of an offender who was released after serving his
17 or her full sentence will be considered as supervision on parole.

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

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

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

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

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

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

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

31 services, the recipient or destination of communications sent to or from those customers,
32 or the content of those communications.

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

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

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

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

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

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

544.025. 1. When a victim of a sexual offense initially makes a report of such
2 offense to a law enforcement officer or a prosecuting or circuit attorney, such law
3 enforcement officer or prosecuting or circuit attorney shall endeavor to inform the victim
4 that he or she has a right to request a no contact order be issued against the alleged
5 perpetrator of the sexual offense and how the victim can obtain such an order.

6 2. When a judge issues an arrest warrant for a person alleged to have committed
7 a sexual offense, regardless of whether or not the warrant is based on a complaint,
8 indictment, or information, such judge shall, if it has been requested by the victim or
9 victims, also enter an order at the same time stating that the defendant shall have no
10 contact or communication of any kind, direct or indirect, with the alleged victim or victims.
11 The order shall remain in effect until the criminal case is concluded. As used in this section
12 "no contact or communication of any kind, direct or indirect" includes but is not limited
13 to contact or communication in person, by writing, telephone, fax, e-mail, or any other type
14 of electronic communication, and includes contact or communication through a third party
15 or parties, except that the defendant may communicate through his or her attorney to the
16 prosecuting or circuit attorney, or if the defendant does not have counsel, directly to the
17 prosecuting or circuit attorney, any lawful request or legally necessary information which
18 the prosecuting or circuit attorney may then relay to the victim, if appropriate.

19 3. The court shall revoke the bond of any defendant who knowingly violates the no
20 contact or communication provisions of subsection 2 of this section.

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 655.100,**
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.

556.061. In this code, unless the context requires a different definition, the following
2 shall apply:

- 3 (1) "Affirmative defense" has the meaning specified in section 556.056;
- 4 (2) "Burden of injecting the issue" has the meaning specified in section 556.051;
- 5 (3) "Commercial film and photographic print processor", any person who develops
6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
7 or slides, for compensation. The term commercial film and photographic print processor shall
8 include all employees of such persons but shall not include a person who develops film or makes
9 prints for a public agency;
- 10 (4) "Confinement":
 - 11 (a) A person is in confinement when such person is held in a place of confinement
12 pursuant to arrest or order of a court, and remains in confinement until:
 - 13 a. A court orders the person's release; or

- 14 b. The person is released on bail, bond, or recognizance, personal or otherwise; or
15 c. A public servant having the legal power and duty to confine the person authorizes his
16 release without guard and without condition that he return to confinement;
- 17 (b) A person is not in confinement if:
18 a. The person is on probation or parole, temporary or otherwise; or
19 b. The person is under sentence to serve a term of confinement which is not continuous,
20 or is serving a sentence under a work-release program, and in either such case is not being held
21 in a place of confinement or is not being held under guard by a person having the legal power
22 and duty to transport the person to or from a place of confinement;
- 23 (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not
24 constitute consent if:
25 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
26 to constitute the offense and such mental incapacity is manifest or known to the actor; or
27 (b) It is given by a person who by reason of youth, mental disease or defect, or
28 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable
29 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
30 (c) It is induced by force, duress or deception;
- 31 (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;
32 (7) "Custody", a person is in custody when the person has been arrested but has not been
33 delivered to a place of confinement;
- 34 (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first
35 degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical
36 injury results, forcible rape, forcible sodomy, kidnaping, murder in the second degree, assault
37 of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse
38 in the first degree, robbery in the first degree, statutory rape in the first degree when the victim
39 is a child less than twelve years of age at the time of the commission of the act giving rise to the
40 offense, statutory sodomy in the first degree when the victim is a child less than twelve years of
41 age at the time of the commission of the act giving rise to the offense, and abuse of a child
42 pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo, **and child kidnapping**;
- 43 (9) "Dangerous instrument" means any instrument, article or substance, which, under the
44 circumstances in which it is used, is readily capable of causing death or other serious physical
45 injury;
- 46 (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from
47 which a shot, readily capable of producing death or serious physical injury, may be discharged,
48 or a switchblade knife, dagger, billy, blackjack or metal knuckles;
- 49 (11) "Felony" has the meaning specified in section 556.016;

- 50 (12) "Forcible compulsion" means either:
51 (a) Physical force that overcomes reasonable resistance; or
52 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
53 physical injury or kidnapping of such person or another person;
- 54 (13) "Incapacitated" means that physical or mental condition, temporary or permanent,
55 in which a person is unconscious, unable to appraise the nature of such person's conduct, or
56 unable to communicate unwillingness to an act. A person is not incapacitated with respect to an
57 act committed upon such person if he or she became unconscious, unable to appraise the nature
58 of such person's conduct or unable to communicate unwillingness to an act, after consenting to
59 the act;
- 60 (14) "Infraction" has the meaning specified in section 556.021;
- 61 (15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;
- 62 (16) "Knowingly" has the meaning specified in section 562.016, RSMo;
- 63 (17) "Law enforcement officer" means any public servant having both the power and
64 duty to make arrests for violations of the laws of this state, and federal law enforcement officers
65 authorized to carry firearms and to make arrests for violations of the laws of the United States;
- 66 (18) "Misdemeanor" has the meaning specified in section 556.016;
- 67 (19) "Offense" means any felony, misdemeanor or infraction;
- 68 (20) "Physical injury" means physical pain, illness, or any impairment of physical
69 condition;
- 70 (21) "Place of confinement" means any building or facility and the grounds thereof
71 wherein a court is legally authorized to order that a person charged with or convicted of a crime
72 be held;
- 73 (22) "Possess" or "possessed" means having actual or constructive possession of an
74 object with knowledge of its presence. A person has actual possession if such person has the
75 object on his or her person or within easy reach and convenient control. A person has
76 constructive possession if such person has the power and the intention at a given time to exercise
77 dominion or control over the object either directly or through another person or persons.
78 Possession may also be sole or joint. If one person alone has possession of an object, possession
79 is sole. If two or more persons share possession of an object, possession is joint;
- 80 (23) "Public servant" means any person employed in any way by a government of this
81 state who is compensated by the government by reason of such person's employment, any person
82 appointed to a position with any government of this state, or any person elected to a position with
83 any government of this state. It includes, but is not limited to, legislators, jurors, members of the
84 judiciary and law enforcement officers. It does not include witnesses;
- 85 (24) "Purposely" has the meaning specified in section 562.016, RSMo;

86 (25) "Recklessly" has the meaning specified in section 562.016, RSMo;

87 (26) "Ritual" or "ceremony" means an act or series of acts performed by two or more
88 persons as part of an established or prescribed pattern of activity;

89 (27) "Serious emotional injury", an injury that creates a substantial risk of temporary or
90 permanent medical or psychological damage, manifested by impairment of a behavioral,
91 cognitive or physical condition. Serious emotional injury shall be established by testimony of
92 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
93 medical or psychological certainty;

94 (28) "Serious physical injury" means physical injury that creates a substantial risk of
95 death or that causes serious disfigurement or protracted loss or impairment of the function of any
96 part of the body;

97 (29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;
98 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,
99 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

100 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the
101 breast of any female person, or any such touching through the clothing, for the purpose of
102 arousing or gratifying sexual desire of any person;

103 (31) "Sexual performance", any performance, or part thereof, which includes sexual
104 conduct by a child who is less than seventeen years of age;

105 (32) "Voluntary act" has the meaning specified in section 562.011, RSMo.

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. **Subsection 4 of section 558.019 shall not apply to any**
13 **person imprisoned under this subsection, and "imprisonment for life" shall mean**
14 **imprisonment for the duration of the person's natural life.**

15 4. The court shall sentence a person who has pleaded guilty to or has been found guilty
16 of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory

17 sodomy in the first degree, or an attempt to commit any of the preceding crimes or child
18 molestation in the first degree when classified as a class B felony or sexual abuse when classified
19 as a class B felony to an extended term of imprisonment as provided for in this section if it finds
20 the defendant is a predatory sexual offender.

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

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

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

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

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

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

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

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

53 (3) Has previously pleaded guilty to or has been found guilty of the felony of forcible
54 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
55 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
56 guilty of child molestation in the first degree when classified as a class B felony or sexual abuse
57 when classified as a class B felony shall be any number of years but not less than fifteen years;

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

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

67 8. Notwithstanding any provision of law to the contrary, the department of corrections,
68 or any division thereof, may not furlough an individual found to be and sentenced as a persistent
69 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 had 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**
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.

 566.030. 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 it is a felony**
14 **which shall be punished by imprisonment for life with eligibility for parole; however,**
15 **subsection 4 of section 558.019 shall not apply to this sentence, and the minimum time to**
16 **be served before being eligible for parole, conditional release, or other release by the**
17 **department of corrections is twenty-five years. Notwithstanding any other provision of**
18 **law, a person convicted of forcible rape or attempted forcible rape of a child less than**
19 **twelve shall not receive a final discharge from parole.**

 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 it is a felony**
14 **which shall be punished by imprisonment for life with eligibility for parole; however,**
15 **subsection 4 of section 558.019 shall not apply to this sentence, and the minimum time to**
16 **be served before being eligible for parole, conditional release, or other release by the**
17 **department of corrections is twenty-five years. Notwithstanding any other provision of**
18 **law, a person convicted of forcible sodomy or attempted forcible sodomy of a child less**
19 **than twelve shall not receive a final discharge from parole.**

 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] **found guilty** to or has been
23 convicted of an offense against the laws of another state or jurisdiction which would constitute
24 an offense under this chapter, in which case it is a class C felony.

566.086. 1. A person commits the crime of sexual contact with a student while on public
2 school property if he or she **has sexual contact with a student of the public school while on**
3 **any public school property and is:**

4 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104,
5 RSMo[, and he or she has sexual contact with a student of the public school while on any public
6 school property] ;

7 (2) **A student teacher;**

8 (3) **An employee of the school;**

9 (4) **A volunteer of the school or of an organization working with the school on a**
10 **project or program; or**

11 (5) **A person employed by an entity that contracts with the public school district to**
12 **provide services.**

13 2. For the purposes of this section, "public school property" shall mean property of any
14 public school in this state serving kindergarten through grade twelve **or any school bus used by**
15 **the public school district.**

16 3. Sexual contact with a student while on public school property is a class D felony.

566.090. 1. A person commits the crime of sexual misconduct in the first degree if he
2 **or she** has deviate sexual intercourse with another person of the same sex [or he] , purposely
3 subjects another person to sexual contact without that person's consent, **or knowingly exposes**
4 **his or her genitals to another person without consent for the purpose of sexual**
5 **gratification.**

6 2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has
7 previously been convicted of an offense under this chapter or unless in the course thereof the
8 actor displays a deadly weapon in a threatening manner or the offense is committed as a part of
9 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 or offender** if:

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

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

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

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

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

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

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

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

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private 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.

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

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

9 4.] Enticement of a child **or an attempt to commit enticement of a child** is a [class C
10 felony unless the person has previously pled guilty to or been found guilty of violating the
11 provisions of this section, section 568.045, 568.050, or 568.060, RSMo, or this chapter, in which
12 case it is a class B felony.] **felony for which the authorized term of imprisonment shall be**
13 **not less than five years.**

566.213. 1. A person commits the crime of sexual trafficking of a child under the
2 **age of twelve if the individual knowingly:**

3 (1) **Recruits, entices, harbors, transports, provides, or obtains by any means a**
4 **person under the age of twelve to participate in a commercial sex act or benefits,**
5 **financially or by receiving anything of value, from participation in such activities; or**

6 (2) **Causes a person under the age of twelve to engage in a commercial sex act.**

7 2. **It shall not be an affirmative defense that the defendant believed that the person**
8 **was twelve years of age or older.**

9 3. **Sexual trafficking of a child less than twelve years of age shall be a felony for**
10 **which the authorized term of imprisonment is life imprisonment without eligibility for**
11 **probation or parole until the defendant has served not less than twenty-five years of such**
12 **sentence. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence of a**
13 **person who has pleaded guilty to or been found guilty of sexual trafficking of a child less**
14 **than twelve years of age, and "life imprisonment" shall mean imprisonment for the**
15 **duration of a person's natural life for the purposes of this section.**

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,
2 or conditional release if he or she has been committed to a state mental hospital under the
3 provisions of sections 552.010 to 552.080, RSMo, or [of] sections 632.480 to 632.513, RSMo,
4 or has been ordered to be taken into custody, detained, or held pursuant to sections 632.480 to
5 632.513, RSMo, or as provided by section 632.475, RSMo, has been committed to the
6 department of mental health as a criminal sexual psychopath under statutes in effect before
7 August 13, 1980, or has been granted a conditional release under the provisions of sections
8 552.010 to 552.080, RSMo, or sections 632.480 to 632.513, RSMo, and he or she escapes from
9 such commitment [or] , detention, or conditional release.

10 2. Escape from commitment [or] , detention, or conditional release 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, where the victim is a
5 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] **when the victim**
9 **is a child and the defendant is not a parent or guardian of the child;** felonious restraint **when**
10 **the victim is a child and the defendant is not a parent or guardian of the child; sexual**
11 **contact or sexual intercourse with a resident of a nursing home, under section 565.200,**
12 **RSMo; endangering the welfare of a child under section 568.045, RSMo, when the**
13 **endangerment is sexual in nature; genital mutilation of a female child, under section**
14 **568.065, RSMo;** promoting prostitution in the first degree; promoting prostitution in the second
15 degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting
16 child pornography in the first degree; promoting child pornography in the second degree;
17 possession of child pornography; furnishing pornographic material to minors; public display of
18 explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the
19 first degree; promoting pornography for minors or obscenity in the second degree; incest; [abuse
20 of a child, pursuant to section 568.060, RSMo;] use of a child in a sexual performance; or
21 promoting sexual performance by a child; and committed or attempted to commit the offense
22 against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a
23 person under eighteen years of age; or

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

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

28 (5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
29 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, foreign
30 country, or under federal or military jurisdiction to committing, or attempting to commit, an
31 offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony

32 violation of any offense listed in subdivision (2) of this subsection or has been or is required to
33 register in another state or has been or is required to register under federal or military law; or

34 (6) Any person who has been or is required to register in another state or has been or is
35 required to register under federal or military law and who works or attends school or training on
36 a full-time or on a part-time basis in Missouri. "Part-time" in this subdivision means for more
37 than fourteen days in any twelve-month period.

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

51 3. The registration requirements of sections 589.400 through 589.425 are lifetime
52 registration requirements unless:

53 (1) All offenses requiring registration are reversed, vacated or set aside [or unless] ;

54 (2) The registrant is pardoned of the offenses requiring registration;

55 (3) **The registrant is no longer required to register and his or her name shall be**
56 **removed from the registry under the provisions of subsection 6 of this section; or**

57 (4) **The registrant may petition the court for removal from the registry under**
58 **subsection 7 of this section and the court orders the removal of such person from the**
59 **registry.**

60 4. For processing an initial sex offender registration the chief law enforcement officer
61 of the county **or city not within a county** may charge the offender registering a fee of up to [ten]
62 **twenty dollars. The chief law enforcement officer shall establish procedures to document**
63 **receipt and use of the funds. The fees shall be used by the chief law enforcement officer**
64 **for official purposes in the administration of the agency's sexual offender registry. The**
65 **chief law enforcement officer may waive the registration fee if the offender can**
66 **demonstrate he or she is indigent and unable to pay the registration fee.**

67 5. For processing any change in registration required pursuant to section 589.414 the
68 chief law enforcement official of the county **or city not within a county** may charge the person
69 changing their registration a fee of [five] **ten** dollars for each change made after the initial
70 registration.

71 **6. Beginning August 28, 2006, any person currently on the sexual offender registry**
72 **for being convicted of, found guilty of, or pleading guilty to, committing felonious restraint**
73 **when the victim was a child and he or she was the parent or guardian of the child,**
74 **nonsexual child abuse that was committed under section 568.060, RSMo, or kidnapping**
75 **when the victim was a child and he or she was the parent or guardian of the child, shall be**
76 **removed from the registry. However, such person shall remain on the sexual offender**
77 **registry for any other offense for which he or she is required to register under sections**
78 **589.400 to 589.425.**

79 **7. (1) Any person to whom sections 589.400 to 589.425 apply who was under**
80 **twenty-one years of age at the time the crime was committed, and whose victim was over**
81 **the age of fourteen at the time the crime was committed, which caused such person to have**
82 **to register as a sex offender, or who was convicted of, found guilty of, or pleaded guilty to**
83 **promoting prostitution in the second degree, promoting prostitution in the third degree,**
84 **public display of explicit sexual material, or statutory rape in the second degree, and has**
85 **been released from confinement, supervision, or sentence for any of the offenses in section**
86 **589.400 and has been released from supervision for at least ten years, and has not**
87 **committed another offense which would require the offender to register under sections**
88 **589.400 to 589.425 may file a petition in the civil division of the circuit court in the county**
89 **in which the offender was convicted or found guilty of or pled guilty to the offenses for**
90 **removal of such person's name from the sex offender registry. The court may grant such**
91 **relief if such person demonstrates to the court that he or she has complied with the**
92 **provisions of this section and is not a current or potential threat to public safety. The**
93 **prosecuting attorney in the circuit court in which the petition is filed must be given notice,**
94 **by the person seeking removal from the registry, of the petition to present evidence in**
95 **opposition to the requested relief or may otherwise demonstrate the reasons why the**
96 **petition should be denied. Failure of the person seeking removal from the registry to notify**
97 **the prosecuting attorney of the petition shall result in an automatic denial of such person's**
98 **petition. If the prosecuting attorney is notified of the petition he or she shall make**
99 **reasonable efforts to notify the victim of the crime for which the person was required to**
100 **register, of the petition and the dates and times of any hearings or other proceedings in**
101 **connection with that petition.**

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

108 **8. Any nonresident worker or nonresident student shall register for the duration**
109 **of such person's employment or attendance at any school of higher education and is not**
110 **entitled to the provisions of subsection 7 of this section. Any registered offender from**
111 **another state who has a temporary residence in this state and resides more than fourteen**
112 **days in a twelve-month period shall register for the duration of such person's temporary**
113 **residency and is not entitled to the provisions of subsection 7 of this section.**

114 **9. Any person whose name is removed from the sexual offender registry under**
115 **subsection 6 or 7 of this section shall no longer be required to fulfill the registration**
116 **requirements of sections 589.400 to 589.475, unless such person is required to register for**
117 **committing another offense.**

 589.402. 1. The chief law enforcement officer of the county may maintain a web page
2 on the Internet, which shall be open to the public and shall include a registered sexual offender
3 search capability.

4 2. The registered sexual offender search shall make it possible for any person using the
5 Internet to search for and find the information specified in [subdivisions (1) to (4) of] subsection
6 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to
7 589.425, except that only persons who have been convicted of, found guilty of, or plead guilty
8 to committing or attempting to commit sexual offenses shall be included on this web site.

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

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

12 (2) **The date of birth and any known alias dates of birth of the offender;**

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

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

16 [(3) A photograph] (5) **any photographs** of the offender; [and

17 (4) The crime or crimes for which the offender was convicted that caused him or her to
18 have to register.]

19 (6) **A physical description of the offender's vehicles, including the year, make,**
20 **model, color, and license plate number;**

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

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

25 (9) **Compliance status of the offender with the provisions of section 589.400 to**
26 **589.425.**

27 **4. The chief law enforcement officer of any county or city not within a county may**
28 **publish in any newspaper distributed in the county or city not within a county the sexual**
29 **offender information provided under subsection 3 of this section for any offender residing**
30 **in the county or city not within a county.**

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

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

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

4 (1) A statement in writing signed by the person, giving the name, address, Social
5 Security number and phone number of the person, **the license plate number and vehicle**
6 **description, including the year, make, model, and color to each vehicle owned or operated**
7 **by the offender**, the place of employment of such person, enrollment within any institutions of
8 higher education, the crime which requires registration, whether the person was sentenced as a

9 persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief
10 description of such crime, the date and place of the conviction or plea regarding such crime, the
11 age and gender of the victim at the time of the offense and whether the person successfully
12 completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

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

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

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

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

19 **(3) A photocopy of the vehicle registration for each of the offender's vehicles.**

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

5 2. If any person required by sections 589.400 to 589.425 to register changes such
6 person's residence or address to a different county, the person shall appear in person and shall
7 inform both the chief law enforcement official with whom the person last registered and the chief
8 law enforcement official of the county **or city not within a county** having jurisdiction over the
9 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] **chief** law enforcement agency every ninety days
28 to verify 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] **semiannually** 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 basis in any other
44 state shall be required to report in person to the chief law enforcement officer in the area of the
45 state where they work or attend school or training and register in that state. "Part-time" in this
46 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. A person who commits a third or subsequent violation of subsection 1 of this**
11 **section and has previously pled guilty to or been found guilty of two violations of**
12 **subsection 1 of this section, which were committed at different times, is guilty of a felony**
13 **which shall be punished by a term of imprisonment not less than ten years and not more**
14 **than thirty years.**

 600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public defender
3 office personnel appointed pursuant to this chapter; and he and the chief deputy director may
4 participate in the trial and appeal of criminal actions at the request of the defender or upon order
5 of the commission;

6 (2) Submit to the commission, between August fifteenth and September fifteenth of each
7 year, a report which shall include all pertinent data on the operation of the state public defender
8 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
9 fifteenth of each year, the commission shall submit such report along with such
10 recommendations, comments, conclusions, or other pertinent information it chooses to make to
11 the chief justice, the governor, and the general assembly. Such reports shall be a public record,
12 shall be maintained in the office of the state public defender, and shall be otherwise distributed
13 as the commission shall direct;

14 (3) With the approval of the commission, establish such divisions, facilities and offices
15 and select such professional, technical and other personnel, including investigators, as he deems
16 reasonably necessary for the efficient operation and discharge of the duties of the state public
17 defender system under this chapter;

18 (4) Administer and coordinate the operations of defender services and be responsible for
19 the overall supervision of all personnel, offices, divisions and facilities of the state public
20 defender system, except that the director shall have no authority to direct or control the legal
21 defense provided by a defender to any person served by the state public defender system;

22 (5) Develop programs and administer activities to achieve the purposes of this chapter;

23 (6) Keep and maintain proper financial records with respect to the providing of all public
24 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
25 operation of the state public defender system;

26 (7) Supervise the training of all public defenders, assistant public defenders, deputy
27 public defenders and other personnel and establish such training courses as shall be appropriate;

28 (8) With approval of the commission, promulgate necessary rules, regulations and
29 instructions consistent with this chapter defining the organization of his office and the
30 responsibilities of public defenders, assistant public defenders, deputy public defenders and other
31 personnel;

32 (9) With the approval of the commission, apply for and accept on behalf of the public
33 defender system any funds which may be offered or which may become available from
34 government grants, private gifts, donations or bequests or from any other source. Such moneys
35 shall be deposited in the state general revenue fund;

36 (10) Contract for legal services with private attorneys on a case-by-case basis and with
37 assigned counsel as the commission deems necessary considering the needs of the area, for fees
38 approved and established by the commission;

39 (11) With the approval and on behalf of the commission, contract with private attorneys
40 for the collection and enforcement of liens and other judgments owed to the state for services
41 rendered by the state public defender system.

42 2. No rule or portion of a rule promulgated under the authority of this chapter shall
43 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
44 RSMo.

45 3. The director and defenders shall, within guidelines as established by the commission
46 and as set forth in subsection 4 of this section, accept requests for legal services from eligible
47 persons entitled to counsel under this chapter or otherwise so entitled under the constitution or
48 laws of the United States or of the state of Missouri and provide such persons with legal services
49 when, in the discretion of the director or the defenders, such provision of legal services is
50 appropriate.

51 4. The director and defenders shall provide legal services to an eligible person:

52 (1) Who is detained or charged with a felony, including appeals from a conviction in
53 such a case;

54 (2) Who is detained or charged with a misdemeanor which will probably result in
55 confinement in the county jail upon conviction, including appeals from a conviction in such a
56 case;

57 (3) Who is detained or charged with a violation of probation or parole;

58 (4) Who has been taken into custody pursuant to section 632.489, RSMo, including
59 appeals from a determination that the person is a sexually violent predator **and petitions for**
60 **release**, notwithstanding any provisions of law to the contrary;

61 (5) For whom the federal constitution or the state constitution requires the appointment
62 of counsel; and

63 (6) For whom, in a case in which he faces a loss or deprivation of liberty, any law of this
64 state requires the appointment of counsel; however, the director and the defenders shall not be
65 required to provide legal services to persons charged with violations of county or municipal
66 ordinances.

67 5. The director may:

68 (1) Delegate the legal representation of any person to any member of the state bar of
69 Missouri;

70 (2) Designate persons as representatives of the director for the purpose of making
71 indigency determinations and assigning counsel.

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

- (1) Has committed a recent overt act; or
- (2) Has been in the custody of an agency with jurisdiction within the preceding ten years and may meet the criteria of a sexually violent predator;

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

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

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

4. If the department determines that the person may meet the definition of a sexually violent predator, the attorney general shall provide the results of the investigation and evaluation to the prosecutors' review committee. The prosecutors' review committee shall, by majority vote, determine whether or not the person meets the definition of a sexually violent predator within twenty-four hours of written notice from the attorney general's office. If the prosecutors' review 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. 1. The court or jury shall determine whether, [beyond a reasonable doubt] **by**
2 **clear and convincing evidence**, the person is a sexually violent predator. If such determination
3 that the person is a sexually violent predator is made by a jury, such determination shall be by
4 unanimous verdict of such jury. Any determination as to whether a person is a sexually violent
5 predator may be appealed.

6 2. If the court or jury determines that the person is a sexually violent predator, the person
7 shall be committed to the custody of the director of the department of mental health for control,
8 care and treatment until such time as the person's mental abnormality has so changed that the
9 person is safe to be at large. Such control, care and treatment shall be provided by the
10 department of mental health.

11 3. At all times, **persons ordered to the department of mental health after a**
12 **determination by the court that such persons may meet the definition of a sexually violent**
13 **predator, persons ordered to the department of mental health after a finding of probable**
14 **cause under section 632.489, and** persons committed for control, care and treatment by the
15 department of mental health pursuant to sections 632.480 to 632.513 shall be kept in a secure
16 facility designated by the director of the department of mental health and such persons shall be
17 segregated at all times from any other patient under the supervision of the director of the
18 department of mental health. The department of mental health shall not place or house [an
19 offender determined to be a sexually violent predator] **a person ordered to the department of**
20 **mental health after a determination by the court that such person may meet the definition**

21 **of a sexually violent predator, a person ordered to the department of mental health after**
22 **a finding of probable cause under section 632.489, or a person committed for control, care,**
23 **and treatment by the department of mental health,** pursuant to sections 632.480 to 632.513,
24 with other mental health patients [who have not been determined to be sexually violent
25 predators]. **The provisions of this subsection shall not apply to a person who has been**
26 **conditionally released under section 632.505.**

27 **4.** The department of mental health is authorized to enter into an interagency agreement
28 with the department of corrections for the confinement of such persons. Such persons who are
29 in the confinement of the department of corrections pursuant to an interagency agreement shall
30 be housed and managed separately from offenders in the custody of the department of
31 corrections, and except for occasional instances of supervised incidental contact, shall be
32 segregated from such offenders.

33 **5.** If the court or jury is not satisfied [beyond a reasonable doubt] **by clear and**
34 **convincing evidence** that the person is a sexually violent predator, the court shall direct the
35 person's release.

36 **6.** Upon a mistrial, the court shall direct that the person be held at an appropriate secure
37 facility, including, but not limited to, a county jail, until another trial is conducted. If the person
38 is ordered to the department of mental health, the director of the department of mental health
39 shall determine the appropriate secure facility to house the person. Any subsequent trial
40 following a mistrial shall be held within ninety days of the previous trial, unless such subsequent
41 trial is continued as provided in section 632.492.

632.498. **1.** Each person committed pursuant to sections 632.480 to 632.513 shall have
2 a current examination of the person's mental condition made once every year by the director of
3 the department of mental health or designee. The yearly report shall be provided to the court that
4 committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an
5 annual review of the status of the committed person. **The provisions of this subsection shall**
6 **not apply to a person who has been conditionally released under section 632.505.**

7 **2.** Nothing contained in sections 632.480 to 632.513 shall prohibit the person from
8 otherwise petitioning the court for [discharge] **release**. The director of the department of mental
9 health shall provide the committed person **who has not been conditionally released** with an
10 annual written notice of the person's right to petition the court for release over the director's
11 objection. The notice shall contain a waiver of rights. The director shall forward the notice and
12 waiver form to the court with the annual report.

13 **3.** **If the committed person petitions the court for conditional release over the**
14 **director's objection, the petition shall be served upon the court that committed the person,**

15 **the director of the department of mental health, the head of the facility housing the person**
16 **and the attorney general.**

17 **4.** The committed person shall have a right to have an attorney represent the person at
18 the hearing but the person is not entitled to be present at the hearing. If the court at the hearing
19 determines by a preponderance of the evidence that the person no longer suffers from a mental
20 abnormality that makes the person likely to engage in acts of sexual violence if [discharged]
21 **released**, then the court shall set a [hearing] **trial** on the issue. [At the hearing.]

22 **5. The trial shall be governed by the following provisions:**

23 **(1)** The committed person shall be entitled to be present and entitled to the benefit of all
24 constitutional protections that were afforded the person at the initial commitment proceeding[.]
25 ;

26 **(2)** The attorney general shall represent the state and shall have a right to a jury trial and
27 to have the committed person evaluated by a psychiatrist or psychologist not employed by the
28 department of mental health or the department of corrections. In addition, the person may be
29 examined by a consenting psychiatrist or psychologist of the person's choice at the person's own
30 expense[.] ;

31 **(3)** The burden of proof at the trial shall be upon the state to prove [beyond a reasonable
32 doubt] **by clear and convincing evidence** that the committed person's mental abnormality
33 remains such that the person is not safe to be at large and if released is likely to engage in acts
34 of sexual violence. **If such determination is made by a jury, the verdict must be unanimous;**

35 **(4) If the court or jury finds that the person's mental abnormality remains such**
36 **that the person is not safe to be at large and if released is likely to engage in acts of sexual**
37 **violence, the person shall remain in the custody of the department of mental health in a**
38 **secure facility designated by the director of the department of mental health. If the court**
39 **or jury finds that the person's mental abnormality has so changed that the person is not**
40 **likely to commit acts of sexual violence if released, the person shall be conditionally**
41 **released as provided in section 632.505.**

632.501. If the director of the department of mental health determines that the person's
2 mental abnormality has so changed that the person is not likely to commit acts of sexual violence
3 if released, the director shall authorize the person to petition the court for release. The petition
4 shall be served upon the court **that the committed person, the director of the department of**
5 **mental health, the head of the facility housing the person,** and the attorney general. [The
6 court, upon receipt of the petition for release, shall order a hearing within thirty days. The
7 attorney general shall represent the state, and shall have the right to have the petitioner examined
8 by a consenting psychiatrist or psychologist not employed by the department of mental health
9 or department of corrections. The hearing shall be before a jury if demanded by either the

10 petitioner or the attorney general. The burden of proof shall be upon the attorney general to show
11 beyond a reasonable doubt that the petitioner's mental abnormality remains such that the
12 petitioner is not safe to be at large and that if discharged is likely to commit acts of sexual
13 violence.] **Any hearing or trial shall be conducted according to the provisions of section**
14 **632.498.**

632.504. Nothing in sections 632.480 to 632.513 shall prohibit a person from filing a
2 petition for [discharge] **release** pursuant to sections 632.480 to 632.513. However, if a person
3 has previously filed a petition for [discharge] **release** without the director's [of the department
4 of mental health] approval and the court determined either upon review of the petition or
5 following a hearing, that the petitioner's petition was frivolous or that the petitioner's condition
6 had not so changed that the person was safe to be at large, then the court shall deny the
7 subsequent petition unless the petition contains facts upon which a court could find the condition
8 of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or
9 subsequent petition from committed persons without the director's approval, the court shall
10 endeavor whenever possible to review the petition and determine if the petition is based upon
11 frivolous grounds and if so shall deny the petition without a hearing.

632.505. 1. Upon determination by a court or jury that a person's mental
2 **abnormality has so changed that the person is not likely to commit acts of sexual violence**
3 **if released, the court shall place the person on conditional release pursuant to the terms of**
4 **this section. The primary purpose of conditional release is to provide outpatient treatment**
5 **and monitoring to prevent the person's condition from deteriorating to the degree that he**
6 **or she would need to be returned to a secure facility of the department of mental health.**

7 **2. The department of mental health is authorized to enter into an interagency**
8 **agreement with the department of corrections for the supervision of persons granted a**
9 **conditional release by the court. In conjunction with the department of corrections, the**
10 **department of mental health shall develop a conditional release plan that contains**
11 **appropriate conditions for the person to be released. The plan shall address the person's**
12 **need for supervision, counseling, medication, community support services, residential**
13 **services, vocational services, and alcohol and drug treatment. The department of mental**
14 **health shall submit the proposed plan for conditional release to the court.**

15 **3. The court shall review the plan and determine the conditions that it deems**
16 **necessary to meet the person's need for treatment and supervision and to protect the safety**
17 **of the public. The court shall order that the person will be subject to the following**
18 **conditions and other conditions as deemed necessary:**

19 **(1) Maintain a residence approved by the department of mental health. Any**
20 **change of residence must be approved by the department of mental health;**

- 21 (2) Maintain employment unless engaged in other structured activities approved
22 by the department of mental health;
- 23 (3) Obey all federal and state laws;
- 24 (4) Not possess a firearm or dangerous weapon;
- 25 (5) Not be employed or voluntarily participate in an activity that involves contact
26 with children without approval of the department of mental health;
- 27 (6) Not consume alcohol or use a controlled substance except as prescribed by a
28 treating physician, and to submit, upon request to any procedure designed to test for
29 alcohol or controlled substance use;
- 30 (7) Not associate with any person who has pled guilty to or been found guilty of a
31 felony;
- 32 (8) Not leave the state without permission of the department of mental health;
- 33 (9) Not have contact with specific persons, including but not limited to, the victim
34 or victim's family, as directed by the department of mental health;
- 35 (10) Not have any contact with any child without specific approval by the
36 department of mental health;
- 37 (11) Not possess material that is pornographic, sexually oriented, or sexually
38 stimulating;
- 39 (12) Not enter a business providing sexually stimulating or sexually oriented
40 entertainment;
- 41 (13) Submit to a polygraph, plethysmograph, or other electronic or behavioral
42 assessment;
- 43 (14) Submit to electronic monitoring which may be based on a global positioning
44 system or other technology that identifies and records a person's location at all times;
- 45 (15) Attend and fully participate in assessment and treatment programs as directed
46 by the department of mental health;
- 47 (16) Take all psychiatric medications as prescribed by a treating physician;
- 48 (17) Authorize the department of mental health to access and obtain copies of
49 confidential records pertaining to evaluation, counseling, treatment, and other such
50 records and provide the consent necessary for the release of any such records;
- 51 (18) Pay fees to the department of mental health and the department of corrections
52 to cover the costs of services and monitoring;
- 53 (19) Report to or appear in person as directed by, and to follow all directives of, the
54 department of mental health and the department of corrections;
- 55 (20) To comply with all registrations requirements under sections 589.400 to
56 589.425, RSMo; and

57 **(21) Other conditions that the court determines to be in the best interest of the**
58 **person and society.**

59 **4. The court shall provide a copy of the order containing the conditions of release**
60 **to the person, the attorney general, the department of mental health, the head of the facility**
61 **housing the person and the department of corrections.**

62 **5. A person who is conditionally released and supervised by a probation and parole**
63 **officer employed by the department of corrections remains under the control, care, and**
64 **treatment of the department of mental health.**

65 **6. The court may modify conditions of release upon its own motion or upon the**
66 **petition of the department of mental health, the department of corrections, or the person**
67 **on conditional release.**

68 **7. The following provisions shall apply to violations of conditional release:**

69 **(1) If any probation and parole officer has reasonable cause to believe that a person**
70 **on conditional release has violated a condition of release or that the person is no longer a**
71 **proper subject for conditional release, the officer may issue a warrant for the person's**
72 **arrest. The warrant shall contain a brief recitation of the facts supporting the officer's**
73 **belief. The warrant shall direct any peace officer to take the person into custody**
74 **immediately so that the person can be returned to a secure facility;**

75 **(2) If the director of the department of mental health or the director's designee has**
76 **reasonable cause to believe that a person on conditional release has violated a condition of**
77 **the person's release or that the person is no longer a proper subject for conditional release,**
78 **the director or director's designee may request that a peace officer take the person into**
79 **custody immediately or request that a probation and parole officer or the court which**
80 **ordered the release issue a warrant for the person's arrest so that he or she can be returned**
81 **to a secure facility;**

82 **(3) At any time during the period of a conditional release, the court which ordered**
83 **the release may issue a notice to the released person to appear to answer a charge of a**
84 **violation of the terms of the release and the court may issue a warrant of arrest for the**
85 **violation. Such notice shall be personally served upon the released person. The warrant**
86 **shall authorize the return of the released person to the custody of the court or to the**
87 **custody of the director of the department of mental health or the director's designee.**

88 **(4) No peace officer responsible for apprehending and returning the person to the**
89 **facility upon the request of the director of the department of mental health or designee or**
90 **a probation and parole officer shall be civilly liable for apprehending or transporting such**
91 **person to the facility so long as such duties were performed in good faith and without**
92 **negligence.**

93 **(5) The department of mental health shall promptly notify the court that the person**
94 **has been apprehended and returned to a secure facility;**

95 **(6) Within seven days of the person's return to a secure facility, the department of**
96 **mental health must either request that the attorney general file a petition to revoke the**
97 **person's conditional release or continue the person on conditional release;**

98 **(7) If a petition to revoke conditional release is filed, the person shall remain in**
99 **custody until a hearing is held on the petition. The hearing shall be given priority on the**
100 **court's docket. If upon hearing the evidence the court finds by preponderance of the**
101 **evidence that the person has violated a condition of his or her release and that the violation**
102 **of the condition was sufficient to render the person no longer suitable for conditional**
103 **release, the court shall revoke the conditional release and order the person returned to a**
104 **secure facility designated by the director of the department of mental health. If the court**
105 **determines that revocation is not required, the court may modify or enlarge the conditions**
106 **of release or order the person's release on the existing conditions of release;**

107 **(8) A person whose conditional release has been revoked may petition the court for**
108 **subsequent release under sections 632.498, 632.501, and 632.504 no sooner than six months**
109 **after the person's return to a secure facility.**

110 **8. The department of mental health may enter into agreements with the department**
111 **of corrections and other state departments and may enter into contracts with private**
112 **entities for the purpose of supervising a person on conditional release.**

113 **9. The department of mental health and the department of corrections may require**
114 **a person on conditional release to pay a reasonable fee to cover the costs of providing**
115 **services and monitoring while the person is released. Each department may adopt rules**
116 **with respect to establishing waiving, collecting, and using fees.**

117 **10. In the event a person on conditional release escapes from custody, the**
118 **department of mental health shall notify the court, the department of corrections, the**
119 **attorney general, the sheriff of the county from where the person escaped or absconded,**
120 **and any other persons necessary to protect the safety of the public or to assist in the**
121 **apprehension of the person. The attorney general shall notify victims and witnesses. Upon**
122 **receiving such notice, the attorney general shall file escape from commitment charges**
123 **under section 575.195, RSMo.**

 632.507. 1. The attorney general shall in a timely manner inform victims of a sexually
2 violent offense committed by a person:

3 **(1) That a written notice has been given by the agency with jurisdiction to the attorney**
4 **general and the multidisciplinary team pursuant to subsection 1 of section 632.483;**

5 (2) Of the decision of the prosecutor's review committee in determining whether or not
6 the person may be a sexually violent predator;

7 (3) That a petition has been filed with the circuit court pursuant to section 632.484 or
8 632.486;

9 (4) Of the outcome of a trial held pursuant to the provisions of section 632.492;

10 (5) Of the filing of any petition or pending proceedings held pursuant to the provisions
11 of sections 632.498 to [632.504] **632.505**;

12 **(6) Of the escape of any person committed under sections 632.480 to 632.513.**

13 2. Such victims shall have the right to be present at any proceeding held pursuant to the
14 provisions of sections 632.480 to 632.513. Failure to notify shall not be a reason for
15 postponement of release. Nothing in this section shall create a cause of action against the state
16 or an employee of the state acting within the scope of the employee's employment as a result of
17 the failure to notify pursuant to this section.

**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 detectives and computer forensic personnel whose focus is investigating
5 Internet sex crimes against children, including but not limited to enticement of a child,
6 possession or promotion of child pornography, and to provide funding for the training of
7 law enforcement personnel. The funding for such training may be used to cover the travel
8 expenses of those persons participating.**

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 Sheriff's Association;**

16 **(4) Two members of the state highway patrol shall be appointed by the director of
17 the department of public safety from a list of six nominees submitted by the Missouri State
18 Troopers Association;**

19 **(5) One member of the house of representatives who shall be appointed by the
20 speaker of the house of representatives; and**

21 **(6) One member of the senate who shall be appointed by the president pro tem.**
22

23 The panel members who are appointed under subdivisions (2), (3), and (4) of this
24 subsection shall serve a four-year term ending four years from the date of expiration of the
25 term for which his or her predecessor was appointed. However, a person appointed to fill
26 a vacancy prior to the expiration of such a term shall be appointed for the remainder of
27 the term. Such members shall hold office for the term of his or her appointment and until
28 a successor is appointed. The members of the panel shall receive no additional
29 compensation but shall be eligible for reimbursement for mileage directly related to the
30 performance of panel duties.

31 3. Local matching amounts, which may include new or existing funds or in-kind
32 resources including but not limited to equipment or personnel, are required for
33 multijurisdictional Internet cyber crime law enforcement task forces and other law
34 enforcement agencies to receive grants awarded by the panel. Such amounts shall be
35 determined by the state appropriations process or by the panel.

36 4. When awarding grants, priority should be given to newly hired detectives and
37 computer forensic personnel.

38 5. The panel shall establish minimum training standards for detectives and
39 computer forensic personnel participating in the grant program established in subsection
40 1 of this section.

41 6. Multijurisdictional Internet cyber crime law enforcement task forces and other
42 law enforcement agencies participating in the grant program established in subsection 1
43 of this section shall share information and cooperate with the highway patrol and with
44 existing Internet crimes against children task force programs.

45 7. The panel may make recommendations to the general assembly regarding the
46 need for additional resources or appropriations.

47 8. Under section 23.253, RSMo, of the Missouri sunset act:

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

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

54 (3) This section shall terminate on September first of the calendar year immediately
55 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.

Section 2. 1. The department of public safety has the authority to promulgate rules
2 establishing recommended procedures for issuing missing endangered person advisories.
3 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
4 created under the authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536, RSMo, and if
6 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
7 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
8 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
10 adopted after August 28, 2006, shall be invalid and void.

11 2. For the purposes of this section, "missing endangered person" means a person
12 whose whereabouts are unknown and who is:

13 (1) Physically or mentally disabled to the degree that the person is dependent upon
14 an agency or another individual;

15 (2) Missing under circumstances indicating that the missing person's safety may be
16 in danger; or

17 (3) Missing under involuntary or unknown circumstances.

Section B. Because immediate action is necessary to protect the citizens of this state
2 from sexual offenders section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and section A of this act shall be in full force and effect
5 upon its passage and approval.

✓