

SECOND REGULAR SESSION

HOUSE BILL NO. 996

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), MUNZLINGER, SATER, DAVIS, DAY, WILSON (119), BIVINS, EMERY, SANDER, SUTHERLAND, FISHER, RUESTMAN, BROWN (30), ERVIN AND MCGHEE (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3243L.01I

AN ACT

To repeal sections 302.181, 589.400, 589.410, and 589.417, RSMo, and to enact in lieu thereof four new sections relating to sex offenders.

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

Section A. Sections 302.181, 589.400, 589.410, and 589.417, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 302.181, 589.400, 589.410,
3 and 589.417, to read as follows:

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340
2 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic
3 or other comparable material. All licenses shall be manufactured of materials and processes that
4 will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate
5 any license without ready detection. All licenses shall bear the licensee's Social Security number,
6 if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that
7 the licensee does not possess a Social Security number, or, if applicable, a certified statement
8 must be submitted as provided in subsection 4 of this section. The license shall also bear the
9 expiration date of the license, the classification of the license, the name, date of birth, residence
10 address including the county of residence or a code number corresponding to such county
11 established by the department, and brief description and colored photograph of the licensee, and
12 a facsimile of the signature of the licensee. **The license shall also contain a unique code or**

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.

13 **identifier predominantly displayed on the license if the licensee is a registered sex offender**
14 **under section 589.400, RSMo, whose name appears on the sex offender list supplied to the**
15 **department of revenue by the Missouri state highway patrol under section 589.410, RSMo.**

16 The director shall provide by administrative rule **the details of how such unique code or**
17 **identifier will appear on the face of a license issued to a registered sex offender and** the
18 procedure and format for a licensee to indicate on the back of the license together with the
19 designation for an anatomical gift as provided in section 194.240, RSMo, the name and address
20 of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's
21 attorney in fact for the purposes of a durable power of attorney for health care decisions. No
22 license shall be valid until it has been so signed by the licensee. If any portion of the license is
23 prepared by a private firm, any contract with such firm shall be made in accordance with the
24 competitive purchasing procedures as established by the state director of the division of
25 purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social
26 Security number shall serve as the applicant's license number. Where the licensee has no Social
27 Security number, or where the licensee is issued a license without a Social Security number in
28 accordance with subsection 4 of this section, the director shall issue a license number for the
29 licensee and such number shall also include an indicator showing that the number is not a Social
30 Security number.

31 2. All film involved in the production of photographs for licenses shall become the
32 property of the department of revenue.

33 3. The license issued shall be carried at all times by the holder thereof while driving a
34 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any
35 police officer or peace officer, or any other duly authorized person, for inspection when demand
36 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any
37 duly authorized officer shall be presumptive evidence that such person is not a duly licensed
38 operator.

39 4. The director of revenue shall issue a commercial or noncommercial driver's license
40 without a Social Security number to an applicant therefor, who is otherwise qualified to be
41 licensed, upon presentation to the director of a certified statement that the applicant objects to
42 the display of the Social Security number on the license. The director shall assign an
43 identification number, that is not based on a Social Security number, to the applicant which shall
44 be displayed on the license in lieu of the Social Security number.

45 5. The director of revenue shall issue a license without the photograph to an applicant
46 therefor, who is otherwise qualified to be licensed, upon presentation to the director of a
47 statement on forms prescribed and made available by the department of revenue which states that
48 the applicant is a member of a specified religious denomination which prohibits photographs of

49 members as being contrary to its religious tenets. The license shall state thereon that no
50 photograph is required because of the religious affiliation of the licensee. The director of
51 revenue shall establish guidelines and furnish to each circuit court such forms as the director
52 deems necessary to comply with this subsection. The circuit court shall not charge or receive any
53 fee or court cost for the performance of any duty or act pursuant to this subsection.

54 6. The department of revenue may issue a temporary license without the photograph to
55 out-of-state applicants and members of the armed forces, except that where such temporary
56 license is issued it shall be valid only until the applicant shall have had time to appear and have
57 his or her picture taken and a license with his or her photograph issued.

58 7. The department of revenue shall issue upon request a nondriver's license card
59 containing essentially the same information as the driver's license upon payment of six dollars
60 if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older
61 may purchase a nondriver's license card without a photograph for one dollar or a nondriver's
62 license card with a photograph for six dollars. All nondriver's licenses shall expire on the
63 applicant's birthday in the sixth year after issuance. A person who has passed his or her
64 seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The
65 nondriver's license card shall be used for identification purposes only and shall not be valid as
66 a license.

67 8. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall
68 become effective unless it is promulgated pursuant to the provisions of chapter 536, 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 to committing, or attempting to commit, a felony offense of chapter 566,
4 RSMo, or any offense of chapter 566, RSMo, where the victim is a minor; or

5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
6 guilty of, or pled guilty to committing, or attempting to commit one or more of the following
7 offenses: kidnapping, pursuant to section 565.110, RSMo; felonious restraint; promoting
8 prostitution in the first degree; promoting prostitution in the second degree; promoting
9 prostitution in the third degree; incest; abuse of a child, pursuant to section 568.060, RSMo; use
10 of a child in a sexual performance; or promoting sexual performance by a child; and committed
11 or attempted to commit the offense against a victim who is a minor, defined for the purposes of
12 sections 589.400 to 589.425 as a person under eighteen years of age; or

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

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

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

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

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

39 3. The registration requirements of sections 589.400 through 589.425 are lifetime
40 registration requirements unless all offenses requiring registration are reversed, vacated or set
41 aside or unless the registrant is pardoned of the offenses requiring registration.

42 **4. Any individual who is required to be registered pursuant to this section and who**
43 **possesses a driver's license or nondriver's license issued under chapter 302, RSMo, shall,**
44 **as a condition of probation or parole obtain such driver's license or nondriver's license**
45 **with a unique code or identifier as required in section 302.181, RSMo.**

589.410. The chief law enforcement official shall forward the completed offender
2 registration form to the Missouri state highway patrol within three days. The patrol shall enter
3 the information into the Missouri uniform law enforcement system (MULES) where it is
4 available to members of the criminal justice system, and other entities as provided by law, upon
5 inquiry. **The patrol shall also compile a list of all registered sex offenders which includes**
6 **the offender's full name, address, and Social Security number and shall provide such list**

7 **to the department of revenue. Thereafter the patrol shall update such list on a quarterly**
8 **basis and shall provide such updates to the department of revenue.**

589.417. 1. Except for the specific information listed in [subsection 2] **subsections 2**
2 **and 3** of this section, the complete statements, photographs and fingerprints required by sections
3 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not
4 public records as defined in section 610.010, RSMo, and shall be available only to courts,
5 prosecutors and law enforcement agencies.

6 2. Notwithstanding any provision of law to the contrary, the chief law enforcement
7 official of the county shall maintain, for all offenders registered in such county, a complete list
8 of the names, addresses and crimes for which such offenders are registered. Any person may
9 request such list from the chief law enforcement official of the county.

10 **3. Notwithstanding any other provision of law the Missouri state highway patrol**
11 **may provide a list which includes the full name, address, and Social Security number of**
12 **the registered sex offenders to the department of revenue.**

✓