

## CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILLS NOS. 1698, 1236, 995, 1362 &amp; 1290

AN ACT

To repeal sections 43.650, 217.735, 544.671, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.020, 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 573.010, 575.195, 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 fifty-three new sections relating to sexual offenders, with penalty provisions and an emergency clause.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 43.650, 217.735, 544.671, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.020, 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 573.010, 575.195, 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589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, are repealed and fifty-three new sections enacted in lieu thereof, to be known as sections 43.533, 43.650, 188.023,

1 217.735, 351.609, 489.042, 544.671, 547.170, 556.061, 558.018,  
2 559.100, 559.106, 566.010, 566.020, 566.030, 566.032, 566.060,  
3 566.062, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147,  
4 566.149, 566.151, 566.213, 566.265, 567.085, 567.087, 567.089,  
5 568.020, 573.010, 575.159, 575.195, 589.400, 589.402, 589.403,  
6 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489,  
7 632.495, 632.498, 632.501, 632.504, 632.505, 632.507, 650.120,  
8 and 1, to read as follows:

9 43.533. 1. The highway patrol shall, subject to  
10 appropriation, operate a toll-free telephone number in order to  
11 disseminate registration information provided by individuals who  
12 are required to register under sections 589.400 to 589.425, RSMo,  
13 and receive information from persons regarding the residency of a  
14 registered sexual offender. The information available via the  
15 telephone number shall include only information that offenders  
16 are required to provide under section 589.407, RSMo. When the  
17 highway patrol provides such information regarding a sexual  
18 offender, the patrol personnel shall advise the person making the  
19 inquiry that positive identification of a person believed to be a  
20 sexual offender cannot be established unless a fingerprint  
21 comparison is made, and that it is illegal to use such  
22 information regarding a registered sexual offender to facilitate  
23 the commission of a crime. The toll-free telephone number shall  
24 be published on the highway patrol's sexual offender registry  
25 website maintained under section 43.650.

26 2. The patrol shall promulgate rules to effect the  
27 enforcement of this section. Any rule or portion of a rule, as  
28 that term is defined in section 536.010, RSMo, that is created

1 under the authority delegated in this section shall become  
2 effective only if it complies with and is subject to all of the  
3 provisions of chapter 536, RSMo, and, if applicable, section  
4 536.028, RSMo. This section and chapter 536, RSMo, are  
5 nonseverable and if any of the powers vested with the general  
6 assembly pursuant to chapter 536, RSMo, to review, to delay the  
7 effective date, or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 2006,  
10 shall be invalid and void.

11 43.650. 1. The patrol shall, subject to appropriation,  
12 maintain a web page on the Internet which shall be open to the  
13 public and shall include a registered sexual offender search  
14 capability.

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

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

27 4. Only the information listed in [subdivisions (1) to (4)  
28 of] this subsection shall be provided to the public in the

1 registered sexual offender search:

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

3 (2) The date of birth and any known alias dates of birth of  
4 the offender;

5 (3) A physical description of the offender;

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

9 [(3) A photograph] (5) Any photographs of the offender;

10 [and

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

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

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

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

21 (9) Compliance status of the offender with the provisions  
22 of section 589.400 to 589.425, RSMo.

23 188.023. Any licensed health care professional who delivers  
24 a baby or performs an abortion, who has prima facie evidence that  
25 a patient has been the victim of statutory rape in the first  
26 degree or statutory rape in the second degree, or if the patient  
27 is under the age of eighteen, that he or she has been a victim of  
28 sexual abuse, including forcible rape, sexual assault, or incest,

1 shall be required to report such offenses in the same manner as  
2 provided for by section 210.115, RSMo.

3 \_\_\_\_\_217.735. 1. Notwithstanding any other provision of law to  
4 the contrary, the board shall supervise an offender for the  
5 duration of his or her natural life when the offender has pleaded  
6 guilty to or been found guilty of an offense under section  
7 566.030, 566.032, 566.060, or 566.062, RSMo, based on an act  
8 committed on or after August 28, 2006, or the offender has  
9 pleaded guilty to or has been found guilty of an offense under  
10 section 566.067, 566.083, 566.100, 566.151, 566.212, 566.213,  
11 568.020, 568.080, or 568.090, RSMo, based on an act committed on  
12 or after August 28, [2005] 2006, against a victim who was less  
13 than fourteen years old and the offender is a prior sex offender  
14 as defined in subsection 2 of this section.

15 2. For the purpose of this section, a prior sex offender is  
16 a person who has previously pleaded guilty to or been found  
17 guilty of an offense contained in chapter 566, RSMo, or violating  
18 section 568.020, RSMo, when the person had sexual intercourse or  
19 deviate sexual intercourse with the victim, or violating  
20 subdivision (2) of subsection 1 of section 568.045, RSMo.

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

27 4. A mandatory condition of lifetime supervision of an  
28 offender under this section is that the offender be

1 electronically monitored. Electronic monitoring shall be based  
2 on a global positioning system or other technology that  
3 identifies and records the offender's location at all times.

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

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

11 351.609. 1. For the purposes of this section, the  
12 following terms shall mean:

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

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

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

1       (4) "Missouri corporation", any corporation governed by the  
2       general and business corporation law of Missouri under the  
3       provisions of this chapter that files its articles of  
4       incorporation with the Missouri secretary of state and is issued  
5       a certificate of incorporation under section 351.060, RSMo.

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

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

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

7       4. Where the peace officer to whom a subpoena or search  
8       warrant was issued makes a showing and the issuing judge finds  
9       that failure to produce records within five business days will  
10       cause an adverse result, the subpoena or search warrant may  
11       require production of records within less than five business  
12       days. A court may reasonably extend the time required for  
13       production of the records upon finding that the foreign  
14       corporation has shown good cause for that extension and that an  
15       extension of time would not cause an adverse result.

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

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

25       7. A Missouri corporation that provides electronic  
26       communication services or remote computing services to the  
27       general public, when served with a subpoena or search warrant  
28       issued by another state to produce records that reveal the



1 identity of the customers using those services, data stored by,  
2 or on behalf of, the customer, the customer's usage of those  
3 services, the recipient or destination of communications sent to  
4 or from those customers, or the content of those communications,  
5 shall produce those records as if the subpoena or search warrant  
6 was issued by a court of this state.

7 8. No cause of action shall lie against any foreign  
8 corporation or Missouri corporation subject to this section, its  
9 officers, employees, agents, or other specified persons for  
10 providing records, information, facilities, or assistance in  
11 accordance with the terms of a subpoena or search warrant subject  
12 to this section.

13 489.042. The court or the board of probation and parole  
14 shall have the authority to require a person who is required to  
15 register as a sexual offender under sections 589.400 to 589.425,  
16 RSMo, to give his or her assigned probation or parole officer  
17 access to his or her personal home computer as a condition of  
18 probation or parole in order to monitor and prevent such offender  
19 from obtaining and keeping child pornography or from committing  
20 an offense under chapter 566, RSMo. Such access shall allow the  
21 probation or parole officer to view the internet use history,  
22 computer hardware, and computer software of any computer,  
23 including a laptop computer, that the offender owns.

24 544.671. Notwithstanding any supreme court rule or judicial  
25 ruling to the contrary, no defendant under a sentence of death or  
26 imprisonment in the penitentiary for life, or [a] any sentence of  
27 imprisonment for a violation of section 195.222, 565.021, or  
28 565.050, RSMo, [or subsection 1 of] section 566.030, 566.032,

1     566.040, 566.060, 566.062, 566.070, or 566.100, RSMo, and no  
2     defendant who has pled guilty to or been found guilty of any  
3     felony sexual offense under chapter 566, RSMo, where the victim  
4     was less than seventeen years of age at the time the crime was  
5     committed, any sexual offense under chapter 568, RSMo, where the  
6     victim was less than seventeen years of age at the time the crime  
7     was committed, or any pornographic offense involving a minor as  
8     set forth in sections 573.023, 573.025, 573.035, and 573.037, and  
9     any felony violation of section 573.040, RSMo, shall be entitled  
10    to bail pending appeal after June 29, 1994. Pursuant to the  
11   prerogative of the general assembly to declare the public policy  
12   of this state in matters regarding criminal liability of persons  
13   and to enact laws relating to judicial procedure, the general  
14   assembly declares that subsequent to June 29, 1994, no person  
15   shall be entitled to bail or continuation of bail pursuant to  
16   section 547.170, RSMo, if that person is under a sentence of  
17   death or imprisonment in the penitentiary for life, or [a] any  
18   sentence of imprisonment for a violation of section 195.222,  
19   565.021, or 565.050, RSMo, [or subsection 1 of] section 566.030,  
20   566.032, 566.040, 566.060, 566.062, 566.070, or 566.100, RSMo,  
21   and no defendant who has pled guilty to or been found guilty of  
22   any felony sexual offense under chapter 566, RSMo, where the  
23   victim was less than seventeen years of age at the time the crime  
24   was committed, any sexual offense under chapter 568, RSMo, where  
25   the victim was less than seventeen years of age at the time the  
26   crime was committed, or any pornographic offense involving a  
27   minor as set forth in sections 573.023, 573.025, 573.035, and  
28   573.037, and any felony violation of section 573.040, RSMo.

1           547.170. In all cases where an appeal or writ of error is  
2 prosecuted from a judgment in a criminal cause, except where the  
3 defendant is under sentence of death or imprisonment in the  
4 penitentiary for life, or [a] any sentence of imprisonment for a  
5 violation of sections 195.222, RSMo, 565.021, RSMo, 565.050,  
6 RSMo, [subsections 1 and 2 of] section 566.030, 566.032, 566.040,  
7 566.060, 566.062, 566.070, 566.100, RSMo, or where the defendant  
8 has entered a plea of guilty to or been found guilty of any  
9 sexual offense under chapter 566, RSMo, where the victim was less  
10 than seventeen years of age at the time the crime was committed,  
11 any sexual offense under chapter 568, RSMo, where the victim was  
12 less than seventeen years of age at the time the crime was  
13 committed, or any pornographic offense involving a minor as set  
14 forth in sections 573.023, 573.025, 573.035, 573.037, and  
15 573.040, RSMo, any court or officer authorized to order a stay of  
16 proceedings under the preceding provisions may allow a writ of  
17 habeas corpus, to bring up the defendant, and may thereupon let  
18 him to bail upon a recognizance, with sufficient sureties, to be  
19 approved by such court or judge.

20           556.061. In this code, unless the context requires a  
21 different definition, the following shall apply:

22           (1) "Affirmative defense" has the meaning specified in  
23 section 556.056;

24           (2) "Burden of injecting the issue" has the meaning  
25 specified in section 556.051;

26           (3) "Commercial film and photographic print processor", any  
27 person who develops exposed photographic film into negatives,  
28 slides or prints, or who makes prints from negatives or slides,

1 for compensation. The term commercial film and photographic  
2 print processor shall include all employees of such persons but  
3 shall not include a person who develops film or makes prints for  
4 a public agency;

5 (4) "Confinement":

6 (a) A person is in confinement when such person is held in  
7 a place of confinement pursuant to arrest or order of a court,  
8 and remains in confinement until:

9 a. A court orders the person's release; or

10 b. The person is released on bail, bond, or recognizance,  
11 personal or otherwise; or

12 c. A public servant having the legal power and duty to  
13 confine the person authorizes his release without guard and  
14 without condition that he return to confinement;

15 (b) A person is not in confinement if:

16 a. The person is on probation or parole, temporary or  
17 otherwise; or

18 b. The person is under sentence to serve a term of  
19 confinement which is not continuous, or is serving a sentence  
20 under a work-release program, and in either such case is not  
21 being held in a place of confinement or is not being held under  
22 guard by a person having the legal power and duty to transport  
23 the person to or from a place of confinement;

24 (5) "Consent": consent or lack of consent may be expressed  
25 or implied. Assent does not constitute consent if:

26 (a) It is given by a person who lacks the mental capacity  
27 to authorize the conduct charged to constitute the offense and  
28 such mental incapacity is manifest or known to the actor; or

1           (b) It is given by a person who by reason of youth, mental  
2       disease or defect, or intoxication, is manifestly unable or known  
3       by the actor to be unable to make a reasonable judgment as to the  
4       nature or harmfulness of the conduct charged to constitute the  
5       offense; or

6           (c) It is induced by force, duress or deception;

7           (6) "Criminal negligence" has the meaning specified in  
8       section 562.016, RSMo;

9           (7) "Custody", a person is in custody when the person has  
10      been arrested but has not been delivered to a place of  
11      confinement;

12          (8) "Dangerous felony" means the felonies of arson in the  
13      first degree, assault in the first degree, attempted forcible  
14      rape if physical injury results, attempted forcible sodomy if  
15      physical injury results, forcible rape, forcible sodomy,  
16      kidnaping, murder in the second degree, assault of a law  
17      enforcement officer in the first degree, domestic assault in the  
18      first degree, elder abuse in the first degree, robbery in the  
19      first degree, statutory rape in the first degree when the victim  
20      is a child less than twelve years of age at the time of the  
21      commission of the act giving rise to the offense, statutory  
22      sodomy in the first degree when the victim is a child less than  
23      twelve years of age at the time of the commission of the act  
24      giving rise to the offense, and, abuse of a child pursuant to  
25      subdivision (2) of subsection 3 of section 568.060, RSMo, and  
26      child kidnapping;

27          (9) "Dangerous instrument" means any instrument, article or  
28      substance, which, under the circumstances in which it is used, is

1 readily capable of causing death or other serious physical  
2 injury;

3 (10) "Deadly weapon" means any firearm, loaded or unloaded,  
4 or any weapon from which a shot, readily capable of producing  
5 death or serious physical injury, may be discharged, or a  
6 switchblade knife, dagger, billy, blackjack or metal knuckles;

7 (11) "Felony" has the meaning specified in section 556.016;

8 (12) "Forcible compulsion" means either:

9 (a) Physical force that overcomes reasonable resistance; or

10 (b) A threat, express or implied, that places a person in  
11 reasonable fear of death, serious physical injury or kidnapping  
12 of such person or another person;

13 (13) "Incapacitated" means that physical or mental  
14 condition, temporary or permanent, in which a person is  
15 unconscious, unable to appraise the nature of such person's  
16 conduct, or unable to communicate unwillingness to an act. A  
17 person is not incapacitated with respect to an act committed upon  
18 such person if he or she became unconscious, unable to appraise  
19 the nature of such person's conduct or unable to communicate  
20 unwillingness to an act, after consenting to the act;

21 (14) "Infraction" has the meaning specified in section  
22 556.021;

23 (15) "Inhabitable structure" has the meaning specified in  
24 section 569.010, RSMo;

25 (16) "Knowingly" has the meaning specified in section  
26 562.016, RSMo;

27 (17) "Law enforcement officer" means any public servant  
28 having both the power and duty to make arrests for violations of

1 the laws of this state, and federal law enforcement officers  
2 authorized to carry firearms and to make arrests for violations  
3 of the laws of the United States;

4 (18) "Misdemeanor" has the meaning specified in section  
5 556.016;

6 (19) "Offense" means any felony, misdemeanor or infraction;

7 (20) "Physical injury" means physical pain, illness, or any  
8 impairment of physical condition;

9 (21) "Place of confinement" means any building or facility  
10 and the grounds thereof wherein a court is legally authorized to  
11 order that a person charged with or convicted of a crime be held;

12 (22) "Possess" or "possessed" means having actual or  
13 constructive possession of an object with knowledge of its  
14 presence. A person has actual possession if such person has the  
15 object on his or her person or within easy reach and convenient  
16 control. A person has constructive possession if such person has  
17 the power and the intention at a given time to exercise dominion  
18 or control over the object either directly or through another  
19 person or persons. Possession may also be sole or joint. If one  
20 person alone has possession of an object, possession is sole. If  
21 two or more persons share possession of an object, possession is  
22 joint;

23 (23) "Public servant" means any person employed in any way  
24 by a government of this state who is compensated by the  
25 government by reason of such person's employment, any person  
26 appointed to a position with any government of this state, or any  
27 person elected to a position with any government of this state.  
28 It includes, but is not limited to, legislators, jurors, members

1 of the judiciary and law enforcement officers. It does not  
2 include witnesses;

3 (24) "Purposely" has the meaning specified in section  
4 562.016, RSMo;

5 (25) "Recklessly" has the meaning specified in section  
6 562.016, RSMo;

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

10 (27) "Serious emotional injury", an injury that creates a  
11 substantial risk of temporary or permanent medical or  
12 psychological damage, manifested by impairment of a behavioral,  
13 cognitive or physical condition. Serious emotional injury shall  
14 be established by testimony of qualified experts upon the  
15 reasonable expectation of probable harm to a reasonable degree of  
16 medical or psychological certainty;

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

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

26 (30) "Sexual contact" means any touching of the genitals or  
27 anus of any person, or the breast of any female person, or any  
28 such touching through the clothing, for the purpose of arousing



1 or gratifying sexual desire of any person;

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

5 (32) "Voluntary act" has the meaning specified in section  
6 562.011, RSMo.

7 558.018. 1. The court shall sentence a person who has  
8 pleaded guilty to or has been found guilty of the felony of  
9 forcible rape, statutory rape in the first degree, forcible  
10 sodomy, statutory sodomy in the first degree or an attempt to  
11 commit any of the crimes designated in this subsection to an  
12 extended term of imprisonment if it finds the defendant is a  
13 persistent sexual offender.

14 2. A "persistent sexual offender" is one who has previously  
15 pleaded guilty to or has been found guilty of the felony of  
16 forcible rape, rape, statutory rape in the first degree, forcible  
17 sodomy, sodomy, statutory sodomy in the first degree or an  
18 attempt to commit any of the crimes designated in this  
19 subsection.

20 3. The term of imprisonment for one found to be a  
21 persistent sexual offender shall be [not less than thirty years,  
22 which term shall be served without] imprisonment for life without  
23 eligibility for probation or parole. Subsection 4 of section  
24 558.019 shall not apply to any person imprisoned under this  
25 subsection, and "imprisonment for life" shall mean imprisonment  
26 for the duration of the person's natural life.

27 4. The court shall sentence a person who has pleaded guilty  
28 to or has been found guilty of the felony of forcible rape,

1 statutory rape in the first degree, forcible sodomy, statutory  
2 sodomy in the first degree, or an attempt to commit any of the  
3 preceding crimes or child molestation in the first degree when  
4 classified as a class B felony or sexual abuse when classified as  
5 a class B felony to an extended term of imprisonment as provided  
6 for in this section if it finds the defendant is a predatory  
7 sexual offender.

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

10 (1) Has previously pleaded guilty to or has been found  
11 guilty of the felony of forcible rape, rape, statutory rape in  
12 the first degree, forcible sodomy, sodomy, statutory sodomy in  
13 the first degree, or an attempt to commit any of the preceding  
14 crimes or child molestation in the first degree when classified  
15 as a class B felony or sexual abuse when classified as a class B  
16 felony; or

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

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

25 6. A person found to be a predatory sexual offender shall  
26 be imprisoned for life with eligibility for parole, however  
27 subsection 4 of section 558.019 shall not apply to persons found  
28 to be predatory sexual offenders for the purposes of determining

1 the minimum prison term or the length of sentence as defined or  
2 used in such subsection. Notwithstanding any other provision of  
3 law, in no event shall a person found to be a predatory sexual  
4 offender receive a final discharge from parole.

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

11 (1) Has previously pleaded guilty to or has been found  
12 guilty of the felony of forcible rape, rape, statutory rape in  
13 the first degree, forcible sodomy, sodomy, statutory sodomy in  
14 the first degree, or an attempt to commit any of the preceding  
15 crimes and pleads guilty to or is found guilty of the felony of  
16 forcible rape, statutory rape in the first degree, forcible  
17 sodomy, statutory sodomy in the first degree or an attempt to  
18 commit any of the preceding crimes shall be any number of years  
19 but not less than thirty years;

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

27 (3) Has previously pleaded guilty to or has been found  
28 guilty of the felony of forcible rape, rape, statutory rape in

1 the first degree, forcible sodomy, sodomy, statutory sodomy in  
2 the first degree, or an attempt to commit any of the preceding  
3 crimes and pleads guilty to or is found guilty of child  
4 molestation in the first degree when classified as a class B  
5 felony or sexual abuse when classified as a class B felony shall  
6 be any number of years but not less than fifteen years;

7 (4) Has previously pleaded guilty to or has been found  
8 guilty of child molestation in the first degree when classified  
9 as a class B felony or sexual abuse when classified as a class B  
10 felony, and pleads guilty to or is found guilty of child  
11 molestation in the first degree when classified as a class B  
12 felony or sexual abuse when classified as a class B felony shall  
13 be any number of years but not less than fifteen years;

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

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

23 559.100. 1. The circuit courts of this state shall have  
24 power, herein provided, to place on probation or to parole  
25 persons convicted of any offense over which they have  
26 jurisdiction, except as otherwise provided in sections 195.275 to  
27 195.296, RSMo, section 558.018, RSMo, section 559.115, section  
28 565.020, RSMo, sections 566.030, 566.060, 566.067, 566.151, and

1     566.213, RSMo, section 571.015, RSMo, and [section 559.115]  
2     subsection 3 of section 589.425, RSMo.

3             2. The circuit court shall have the power to revoke the  
4     probation or parole previously granted and commit the person to  
5     the department of corrections. The circuit court shall determine  
6     any conditions of probation or parole for the defendant that it  
7     deems necessary to ensure the successful completion of the  
8     probation or parole term, including the extension of any term of  
9     supervision for any person while on probation or parole. The  
10    circuit court may require that the defendant pay restitution for  
11    his crime. The probation or parole may be revoked for failure to  
12    pay restitution or for failure to conform his behavior to the  
13    conditions imposed by the circuit court. The circuit court may,  
14    in its discretion, credit any period of probation or parole as  
15    time served on a sentence.

16    \_\_\_\_559.106. 1. Notwithstanding any statutory provision to the  
17    contrary, when a court grants probation to an offender who has  
18    pleaded guilty to or has been found guilty of an offense in  
19    section 566.030, 566.032, 566.060, or 566.062, RSMo, based on an  
20    act committed on or after August 28, 2006, or the offender has  
21    pleaded guilty to or has been found guilty of an offense under  
22    section 566.067, 566.083, 566.100, 566.151, 566.212, 566.213,  
23    568.020, 568.080, or 568.090, RSMo, based on an act committed on  
24    or after August 28, [2005] 2006, against a victim who was less  
25    than fourteen years old and the offender is a prior sex offender  
26    as defined in subsection 2 of this section, the court shall order  
27    that the offender be supervised by the board of probation and  
28    parole for the duration of his or her natural life.

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

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

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

17           566.010. As used in this chapter and chapter 568, RSMo, the  
18 following terms mean:

19           (1) "Deviate sexual intercourse", any act involving the  
20 genitals of one person and the hand, mouth, tongue, or anus of  
21 another person or a sexual act involving the penetration, however  
22 slight, of the male or female sex organ or the anus by a finger,  
23 instrument or object done for the purpose of arousing or  
24 gratifying the sexual desire of any person or for the purpose of  
25 terrorizing the victim;

26           (2) "Sexual conduct", sexual intercourse, deviate sexual  
27 intercourse or sexual contact;

28           (3) "Sexual contact", any touching of another person with

1 the genitals or any touching of the genitals or anus of another  
2 person, or the breast of a female person, or such touching  
3 through the clothing, for the purpose of arousing or gratifying  
4 sexual desire of any person;

5 (4) "Sexual intercourse", any penetration, however slight,  
6 of the female sex organ by the male sex organ, whether or not an  
7 emission results.

8 566.020. 1. Whenever in this chapter the criminality of  
9 conduct depends upon a victim's being incapacitated, no crime is  
10 committed if the actor reasonably believed that the victim was  
11 not incapacitated and reasonably believed that the victim  
12 consented to the act. The defendant shall have the burden of  
13 injecting the issue of belief as to capacity and consent.

14 2. Whenever in this chapter the criminality of conduct  
15 depends upon a child being thirteen years of age or younger, it  
16 is no defense that the defendant believed the child to be older.

17 3. Whenever in this chapter the criminality of conduct  
18 depends upon a child being under seventeen years of age, it is an  
19 affirmative defense that the defendant reasonably believed that  
20 the child was seventeen years of age or older.

21 4. Consent is not an affirmative defense to any offense  
22 under Chapter 566 if the alleged victim is less than twelve years  
23 of age.

24 566.030. 1. A person commits the crime of forcible rape if  
25 such person has sexual intercourse with another person by the use  
26 of forcible compulsion. Forcible compulsion includes the use of  
27 a substance administered without a victim's knowledge or consent  
28 which renders the victim physically or mentally impaired so as to

1 be incapable of making an informed consent to sexual intercourse.

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

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

12 (2) The victim is a child less than twelve years of age, in  
13 which case the required term of imprisonment is life imprisonment  
14 without eligibility for probation or parole until the defendant  
15 has served not less than thirty years of such sentence or unless  
16 the defendant has reached the age of seventy-five years and has  
17 served at least fifteen years of such sentence. Subsection 4 of  
18 section 558.019, RSMo, shall not apply to the sentence of a  
19 person who has pleaded guilty to or has been found guilty of  
20 forcible rape when the victim is under the age of twelve, and  
21 "life imprisonment" shall mean imprisonment for the duration of a  
22 person's natural life for the purposes of this section.

23 3. No person found guilty of or pleading guilty to forcible  
24 rape or an attempt to commit forcible rape shall be granted a  
25 suspended imposition of sentence or suspended execution of  
26 sentence.

27 566.032. 1. A person commits the crime of statutory rape  
28 in the first degree if he has sexual intercourse with another



1 person who is less than fourteen years old.

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

13 566.060. 1. A person commits the crime of forcible sodomy  
14 if such person has deviate sexual intercourse with another person  
15 by the use of forcible compulsion. Forcible compulsion includes  
16 the use of a substance administered without a victim's knowledge  
17 or consent which renders the victim physically or mentally  
18 impaired so as to be incapable of making an informed consent to  
19 sexual intercourse.

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

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

1       (2) The victim is a child less than twelve years of age, in  
2       which case the required term of imprisonment is life imprisonment  
3       without eligibility for probation or parole until the defendant  
4       has served not less than thirty years of such sentence or unless  
5       the defendant has reached the age of seventy-five years and has  
6       served at least fifteen years of such sentence. Subsection 4 of  
7       section 558.019, RSMo, shall not apply to the sentence of a  
8       person who has pleaded guilty to or has been found guilty of  
9       forcible sodomy when the victim is under the age of twelve, and  
10       "life imprisonment" shall mean imprisonment for the duration of a  
11       person's natural life for the purposes of this section.

12       3. No person found guilty of or pleading guilty to forcible  
13       sodomy or an attempt to commit forcible sodomy shall be granted a  
14       suspended imposition of sentence or suspended execution of  
15       sentence.

16       566.062. 1. A person commits the crime of statutory sodomy  
17       in the first degree if he has deviate sexual intercourse with  
18       another person who is less than fourteen years old.

19       2. Statutory sodomy in the first degree or an attempt to  
20       commit statutory sodomy in the first degree is a felony for which  
21       the authorized term of imprisonment is life imprisonment or a  
22       term of years not less than five years, unless in the course  
23       thereof the actor inflicts serious physical injury on any person,  
24       displays a deadly weapon or dangerous instrument in a threatening  
25       manner, subjects the victim to sexual intercourse or deviate  
26       sexual intercourse with more than one person, or the victim is  
27       less than twelve years of age, in which case the authorized term  
28       of imprisonment is life imprisonment or a term of years not less

1       than ten years.

2               566.067. 1. A person commits the crime of child  
3       molestation in the first degree if he or she subjects another  
4       person who is less than fourteen years of age to sexual contact.

5               2. Child molestation in the first degree is a class B  
6       felony unless:

7             (1) The actor has previously been convicted of an offense  
8       under this chapter or in the course thereof the actor inflicts  
9       serious physical injury, displays a deadly weapon or deadly  
10      instrument in a threatening manner, or the offense is committed  
11      as part of a ritual or ceremony, in which case the crime is a  
12      class A felony; or

13            (2) The victim is a child less than twelve years of age  
14      and:

15            (a) The actor has previously been convicted of an offense  
16      under this chapter; or

17            (b) In the course thereof the actor inflicts serious  
18      physical injury, displays a deadly weapon or deadly instrument in  
19      a threatening manner, or if the offense is committed as part of a  
20      ritual or ceremony, in which case, the crime is a class A felony  
21      and such person shall serve his or her term of imprisonment  
22      without eligibility for probation or parole.

23               566.083. 1. A person commits the crime of sexual  
24       misconduct involving a child if the person:

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

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

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

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

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

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

22           4. Sexual misconduct involving a child is a class D felony  
23 unless the actor has previously pleaded guilty to or been  
24 [convicted] found guilty of an offense pursuant to this chapter  
25 or the actor has previously pleaded guilty to or has been  
26 convicted of an offense against the laws of another state or  
27 jurisdiction which would constitute an offense under this  
28 chapter, in which case it is a class C felony.

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

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

9       (2) A student teacher;

10       (3) An employee of the school;

11       (4) A volunteer of the school or of an organization working  
12 with the school on a project or program; or

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

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

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

21           566.090. 1. A person commits the crime of sexual  
22 misconduct in the first degree if [he has deviate sexual  
23 intercourse with another person of the same sex or he] such  
24 person purposely subjects another person to sexual contact  
25 without that person's consent.

26           2. Sexual misconduct in the first degree is a class A  
27 misdemeanor unless the actor has previously been convicted of an  
28 offense under this chapter or unless in the course thereof the

actor displays a deadly weapon in a threatening manner or the offense is committed as a part of 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,

1 RSMo, incest; section 568.045, RSMo, endangering the welfare of a  
2 child in the first degree; subsection 2 of section 568.080, RSMo,  
3 use of a child in a sexual performance; section 568.090, RSMo,  
4 promoting a sexual performance by a child; section 573.023, RSMo,  
5 sexual exploitation of a minor; section 573.025, RSMo, promoting  
6 child pornography in the first degree; section 573.035, RSMo,  
7 promoting child pornography in the second degree; section  
8 573.037, RSMo, possession of child pornography, or section  
9 573.040, RSMo, furnishing pornographic material to minors; shall  
10 not [establish residency] reside within one thousand feet of any  
11 public school as defined in section 160.011, RSMo, or any private  
12 school giving instruction in a grade or grades not higher than  
13 the twelfth grade, or child-care facility as defined in section  
14 210.201, RSMo, which is in existence at the time [such residency  
15 is established] the individual begins to reside at the location.

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

28 3. For purposes of this section, "resides" means sleeps in

1 a residence, which may include more than one location and may be  
2 mobile or transitory.

3 4. Violation of the provisions of subsection 1 of this  
4 section is a class D felony except that the second or any  
5 subsequent violation is a class B felony. Violation of the  
6 provisions of subsection 2 of this section is a class A  
7 misdemeanor except that the second or subsequent violation is a  
8 class D felony.

9 566.149. 1. Any person who has pleaded guilty or nolo  
10 contendere to, or been convicted of, or been found guilty of  
11 violating any of the provisions of this chapter or the provisions  
12 of subsection 2 of section 568.020, RSMo, incest; section  
13 568.045, RSMo, endangering the welfare of a child in the first  
14 degree; subsection 2 of section 568.080, RSMo, use of a child in  
15 a sexual performance; section 568.090, RSMo, promoting a sexual  
16 performance by a child; section 573.023, RSMo, sexual  
17 exploitation of a minor; section 573.025, RSMo, promoting child  
18 pornography; or section 573.040, RSMo, furnishing pornographic  
19 material to minors; shall not be present in or loiter within five  
20 hundred feet of any school building, on real property comprising  
21 any school, or in any conveyance owned, leased, or contracted by  
22 a school to transport students to or from school or a school-  
23 related activity when persons under the age of eighteen are  
24 present in the building, on the grounds, or in the conveyance,  
25 unless the offender is a parent, legal guardian, or custodian of  
26 a student present in the building and has met the conditions set  
27 forth in subsection 2 of this section.

28 2. No parent, legal guardian, or custodian who has pleaded



1 guilty or nolo contendere to, or been convicted of, or been found  
2 guilty of violating any of the offenses listed in subsection 1 of  
3 this section shall be present in any school building, on real  
4 property comprising any school, or in any conveyance owned,  
5 leased, or contracted by a school to transport students to or  
6 from school or a school-related activity when persons under the  
7 age of eighteen are present in the building, on the grounds or in  
8 the conveyance unless the parent, legal guardian, or custodian  
9 has permission to be present from the superintendent or school  
10 board or in the case of a private school from the principal. In  
11 the case of a public school, if permission is granted, the  
12 superintendent or school board president must inform the  
13 principal of the school where the sex offender will be present.  
14 Permission may be granted by the superintendent, school board, or  
15 in the case of a private school from the principal for more than  
16 one event at a time, such as a series of events, however, the  
17 parent, legal guardian, or custodian must obtain permission for  
18 any other event he or she wishes to attend for which he or she  
19 has not yet had permission granted.

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

22 566.151. 1. A person at least twenty-one years of age or  
23 older commits the crime of enticement of a child if that person  
24 persuades, solicits, coaxes, entices, or lures whether by words,  
25 actions or through communication via the Internet or any  
26 electronic communication, any person who is less than fifteen  
27 years of age for the purpose of engaging in sexual conduct [with  
28 a child].

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

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

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

15           566.213. 1. A person commits the crime of sexual  
16 trafficking of a child under the age of twelve if the individual  
17 knowingly:

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

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

25           2. It shall not be an affirmative defense that the  
26 defendant believed that the person was twelve years of age or  
27 older.

28           3. Sexual trafficking of a child less than twelve years of

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

566.265. If a corporation or other business pleads guilty to or is found guilty of violating section 566.203, 566.206, 566.209, 566.212, 566.213, or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:

(1) Order its dissolution or reorganization;

(2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;

(3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.

567.085. 1. A person commits the crime of promoting travel for prostitution if the person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.010.

2. The crime of promoting travel for prostitution is a class C felony.

567.087. 1. No travel agency or charter tour operator

1 shall:

2 (1) Promote travel for prostitution under section 567.085;

3 (2) Sell, advertise, or otherwise offer to sell travel  
4 services or facilitate travel:

5 (a) For the purpose of engaging in a commercial sex act as  
6 defined in section 566.200, RSMo;

7 (b) That consists of tourism packages or activities using  
8 and offering any sexual contact as defined in section 566.010,  
9 RSMo, as enticement for tourism; or

10 (c) That provides or purports to provide access to or that  
11 facilitates the availability of sex escorts or sexual services.

12 2. There shall be a rebuttable presumption that any travel  
13 agency or charter tour operator using advertisements that include  
14 the term "sex tours" or "sex travel" or include depictions of  
15 human genitalia is in violation of this section.

16 567.089. 1. No travel agency or charter tour operator  
17 shall engage in selling, advertising, or otherwise offering to  
18 sell travel services, tourism packages, or activities that  
19 solicit, encourage, or facilitate travel for the purpose of  
20 engaging in prostitution.

21 2. Upon violation of this section by a travel agency or  
22 charter tour operator, the secretary of state shall revoke the  
23 articles of incorporation of the travel agency or charter tour  
24 operator. The secretary of state, as part of a proceeding  
25 brought under this section, may order a freeze of the bank or  
26 deposit accounts of the travel agency or charter tour operator.

27 568.020. 1. A person commits the crime of incest if he  
28 marries or purports to marry or engages in sexual intercourse or

deviate sexual intercourse with a person he knows to be, without regard to legitimacy:

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

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

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

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

2. [For purposes of this section:

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

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

3.] Incest is a class D felony.

573.010. As used in this chapter the following terms shall mean:

(1) "Child", any person under the age of fourteen;

(2) "Child pornography"[, ]:

(a) Any obscene material or performance depicting sexual conduct, sexual contact, or a sexual performance, as these terms are defined in section 556.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a [child] minor under the age of eighteen; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

1       a. The production of such visual depiction involves the use  
2       of a minor engaging in sexually explicit conduct;

3       b. Such visual depiction is a digital image, computer  
4       image, or computer-generated image that is, or is  
5       indistinguishable from, that of a minor engaging in sexually  
6       explicit conduct; or

7       c. Such visual depiction has been created, adapted, or  
8       modified to show that an identifiable minor is engaging in  
9       sexually explicit conduct;

10       (3) "Displays publicly", exposing, placing, posting,  
11       exhibiting, or in any fashion displaying in any location, whether  
12       public or private, an item in such a manner that it may be  
13       readily seen and its content or character distinguished by normal  
14       unaided vision viewing it from a street, highway or public  
15       sidewalk, or from the property of others or from any portion of  
16       the person's store, or the exhibitor's store or property when  
17       items and material other than this material are offered for sale  
18       or rent to the public;

19       (4) "Explicit sexual material", any pictorial or three  
20       dimensional material depicting human masturbation, deviate sexual  
21       intercourse, sexual intercourse, direct physical stimulation or  
22       unclothed genitals, sadomasochistic abuse, or emphasizing the  
23       depiction of postpubertal human genitals; provided, however, that  
24       works of art or of anthropological significance shall not be  
25       deemed to be within the foregoing definition;

26       (5) "Furnish", to issue, sell, give, provide, lend, mail,  
27       deliver, transfer, circulate, disseminate, present, exhibit or  
28       otherwise provide;

1           (6) "Graphic", when used with respect to a depiction of  
2 sexually explicit conduct, that a viewer can observe any part of  
3 the genitals or pubic area of any depicted person or animal  
4 during any part of the time that the sexually explicit conduct is  
5 being depicted;

6           (7) "Identifiable minor":

7           (a) A person:

8           a. (I) Who was a minor at the time the visual depiction  
9 was created, adapted, or modified; or

10           (ii) Whose image as a minor was used in creating, adapting,  
11 or modifying the visual depiction; and

12           b. Who is recognizable as an actual person by the person's  
13 face, likeness, or other distinguishing characteristic, such as a  
14 unique birthmark or other recognizable feature; and

15           (b) The term shall not be construed to require proof of the  
16 actual identity of the identifiable minor;

17           (8) "Indistinguishable", when used with respect to a  
18 depiction, virtually indistinguishable, in that the depiction is  
19 such that an ordinary person viewing the depiction would conclude  
20 that the depiction is of an actual minor engaged in sexually  
21 explicit conduct. Indistinguishable does not apply to depictions  
22 that are drawings, cartoons, sculptures, or paintings depicting  
23 minors or adults;

24           (9) "Material", anything printed or written, or any  
25 picture, drawing, photograph, motion picture film, videotape or  
26 videotape production, or pictorial representation, or any  
27 recording or transcription, or any mechanical, chemical, or  
28 electrical reproduction, or stored computer data, or anything

1 which is or may be used as a means of communication. "Material"  
2 includes undeveloped photographs, molds, printing plates, stored  
3 computer data and other latent representational objects;

4 [(7)] (10) "Minor", any person under the age of eighteen;

5 [(8)] (11) "Nudity", the showing of postpubertal human  
6 genitals or pubic area, with less than a fully opaque covering;

7 [(9)] (12) "Obscene", any material or performance is  
8 obscene if, taken as a whole:

9 (a) Applying contemporary community standards, its  
10 predominant appeal is to prurient interest in sex; and

11 (b) The average person, applying contemporary community  
12 standards, would find the material depicts or describes sexual  
13 conduct in a patently offensive way; and

14 (c) A reasonable person would find the material lacks  
15 serious literary, artistic, political or scientific value;

16 [(10)] (13) "Performance", any play, motion picture film,  
17 videotape, dance or exhibition performed before an audience of  
18 one or more;

19 [(11)] (14) "Pornographic for minors", any material or  
20 performance is pornographic for minors if the following apply:

21 (a) The average person, applying contemporary community  
22 standards, would find that the material or performance, taken as  
23 a whole, has a tendency to cater or appeal to a prurient interest  
24 of minors; and

25 (b) The material or performance depicts or describes  
26 nudity, sexual conduct, sexual excitement, or sadomasochistic  
27 abuse in a way which is patently offensive to the average person  
28 applying contemporary adult community standards with respect to



1 what is suitable for minors; and

2 (c) The material or performance, taken as a whole, lacks  
3 serious literary, artistic, political, or scientific value for  
4 minors;

5 [(12)] (15) "Promote", to manufacture, issue, sell,  
6 provide, mail, deliver, transfer, transmute, publish, distribute,  
7 circulate, disseminate, present, exhibit, or advertise, or to  
8 offer or agree to do the same, by any means including a computer;

9 [(13)] (16) "Sadomasochistic abuse", flagellation or  
10 torture by or upon a person as an act of sexual stimulation or  
11 gratification;

12 [(14)] (17) "Sexual conduct", actual or simulated, normal  
13 or perverted acts of human masturbation; deviate sexual  
14 intercourse; sexual intercourse; or physical contact with a  
15 person's clothed or unclothed genitals, pubic area, buttocks, or  
16 the breast of a female in an act of apparent sexual stimulation  
17 or gratification or any sadomasochistic abuse or acts including  
18 animals or any latent objects in an act of apparent sexual  
19 stimulation or gratification;

20 (18) "Sexually explicit conduct", actual or simulated:

21 (a) Sexual intercourse, including genital-genital, oral-  
22 genital, anal-genital, or oral-anal, whether between persons of  
23 the same or opposite sex:

24 (b) Bestiality;

25 (c) Masturbation;

26 (d) Sadistic or masochistic abuse; or

27 (e) Lascivious exhibition of the genitals or pubic area of  
28 any person;

1            [(15)] (19) "Sexual excitement", the condition of human  
2 male or female genitals when in a state of sexual stimulation or  
3 arousal;

4            (20) "Visual depiction", includes undeveloped film and  
5 videotape, and data stored on computer disk or by electronic  
6 means which is capable of conversion into a visual image;

7            [(16)] (21) "Wholesale promote", to manufacture, issue,  
8 sell, provide, mail, deliver, transfer, transmute, publish,  
9 distribute, circulate, disseminate, or to offer or agree to do  
10 the same for purposes of resale or redistribution.

11            575.159. 1. A person commits the crime of aiding a sexual  
12 offender if such person knows that another person is a convicted  
13 sexual offender who is required to register as a sexual offender  
14 and has reason to believe that such sexual offender is not  
15 complying, or has not complied with the requirements of sections  
16 589.400 to 589.425, RSMo, and who, with the intent to assist the  
17 sexual offender in eluding a law enforcement agency that is  
18 seeking to find the sexual offender to question the offender  
19 about, or to arrest the offender for, his or her noncompliance  
20 with the requirements of sections 589.400 to 589.425, RSMo:

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

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

27            (3) Conceals or attempts to conceal or assists another  
28 person in concealing or attempting to conceal the sexual

1 offender; or

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

5 2. Aiding a sexual offender is a class D felony.

6 3. The provisions of this section do not apply if the  
7 sexual offender is incarcerated in or is in the custody of a  
8 state correctional facility, a private correctional facility, a  
9 local jail, or a federal correctional facility.

10 575.195. 1. A person commits the crime of escape from  
11 commitment [or] , detention, or conditional release if he or she  
12 has been committed to a state mental hospital under the  
13 provisions of sections 552.010 to 552.080, RSMo, or [of] sections  
14 632.480 to 632.513, RSMo, or has been ordered to be taken into  
15 custody, detained, or held pursuant to sections 632.480 to  
16 632.513, RSMo, or as provided by section 632.475, RSMo, has been  
17 committed to the department of mental health as a criminal sexual  
18 psychopath under statutes in effect before August 13, 1980, or  
19 has been granted a conditional release under the provisions of  
20 sections 552.010 to 552.080, RSMo, or sections 632.480 to  
21 632.513, RSMo, and he or she escapes from such commitment [or] ,  
22 detention, or conditional release.

23 2. Escape from commitment [or] , detention, or conditional  
24 release is a class D felony.

25 589.400. 1. Sections 589.400 to 589.425 shall apply to:

26 (1) Any person who, since July 1, 1979, has been or is  
27 hereafter convicted of, been found guilty of, or pled guilty or  
28 nolo contendere to committing, or attempting to commit, a felony

1 offense of chapter 566, RSMo, including sexual trafficking of a  
2 child and sexual trafficking of a child under the age of twelve,  
3 or any offense of chapter 566, RSMo, where the victim is a minor;  
4 or

5 (2) Any person who, since July 1, 1979, has been or is  
6 hereafter convicted of, been found guilty of, or pled guilty or  
7 nolo contendere to committing, or attempting to commit one or  
8 more of the following offenses: kidnapping[, pursuant to section  
9 565.110, RSMo] when the victim was a child and the defendant was  
10 not a parent or guardian of the child; felonious restraint when  
11 the victim was a child and the defendant is not a parent or  
12 guardian of the child; sexual contact or sexual intercourse with  
13 a resident of a nursing home, under section 565.200, RSMo;  
14 endangering the welfare of a child under section 568.045, RSMo,  
15 when the endangerment is sexual in nature; genital mutilation of  
16 a female child, under section 568.065, RSMo; promoting  
17 prostitution in the first degree; promoting prostitution in the  
18 second degree; promoting prostitution in the third degree; sexual  
19 exploitation of a minor; promoting child pornography in the first  
20 degree; promoting child pornography in the second degree;  
21 possession of child pornography; furnishing pornographic material  
22 to minors; public display of explicit sexual material; coercing  
23 acceptance of obscene material; promoting obscenity in the first  
24 degree; promoting pornography for minors or obscenity in the  
25 second degree; incest; [abuse of a child, pursuant to section  
26 568.060, RSMo;] use of a child in a sexual performance; or  
27 promoting sexual performance by a child; and committed or  
28 attempted to commit the offense against a victim who is a minor,

1 defined for the purposes of sections 589.400 to 589.425 as a  
2 person under eighteen years of age; or

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

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

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

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

25 2. Any person to whom sections 589.400 to 589.425 apply  
26 shall, within ten days of conviction, release from incarceration,  
27 or placement upon probation, register with the chief law  
28 enforcement official of the county or city not within a county in

1       which such person resides unless such person has already  
2       registered in that county for the same offense. Any person to  
3       whom sections 589.400 to 589.425 apply if not currently  
4       registered in their county of residence shall register with the  
5       chief law enforcement official of such county or city not within  
6       a county within ten days of August 28, 2003. The chief law  
7       enforcement official shall forward a copy of the registration  
8       form required by section 589.407 to a city, town, village, or  
9       campus law enforcement agency located within the county of the  
10      chief law enforcement official, if so requested. Such request  
11      may ask the chief law enforcement official to forward copies of  
12      all registration forms filed with such official. The chief law  
13      enforcement official may forward a copy of such registration form  
14      to any city, town, village, or campus law enforcement agency, if  
15      so requested.

16           3. The registration requirements of sections 589.400  
17      through 589.425 are lifetime registration requirements unless:

18      \_\_\_\_ (1) All offenses requiring registration are reversed,  
19      vacated or set aside [or unless];

20      \_\_\_\_ (2) The registrant is pardoned of the offenses requiring  
21      registration;

22      \_\_\_\_ (3) The registrant is no longer required to register and  
23      his or her name shall be removed from the registry under the  
24      provisions of subsection 6 of this section; or

25      \_\_\_\_ (4) The registrant may petition the court for removal from  
26      the registry under subsection 7 or 8 of this section and the  
27      court orders the removal of such person from the registry.

28           4. For processing an initial sex offender registration the

1 chief law enforcement officer of the county or city not within a  
2 county may charge the offender registering a fee of up to ten  
3 dollars.

4 5. For processing any change in registration required  
5 pursuant to section 589.414 the chief law enforcement official of  
6 the county or city not within a county may charge the person  
7 changing their registration a fee of five dollars for each change  
8 made after the initial registration.

9 6. Effective August 28, 2006, any person currently on the  
10 sexual offender registry for being convicted of, found guilty of,  
11 or pleading guilty or nolo contendere to, committing felonious  
12 restraint when the victim was a child and he or she was the  
13 parent or guardian of the child, non-sexual child abuse that was  
14 committed under section 568.060, RSMo, or kidnapping when the  
15 victim was a child and he or she was the parent or guardian of  
16 the child, shall be removed from the registry. However, such  
17 person shall remain on the sexual offender registry for any other  
18 offense for which he or she is required to register under  
19 sections 589.400 to 589.425.

20 7. Effective August 28, 2006, any person currently on the  
21 sexual offender registry for having been convicted of, found  
22 guilty of, or having pleaded guilty or nolo contendere to,  
23 promoting prostitution in the second degree, promoting  
24 prostitution in the third degree, public display of explicit  
25 sexual material, statutory rape in the second degree, and no  
26 physical force or threat of physical force was used in the  
27 commission of the crime, may file a petition in the civil  
28 division of the circuit court in the county in which the offender

1 was convicted or found guilty of or pled guilty or nolo  
2 contendere to the offense or offenses for the removal of his or  
3 her name from the sexual offender registry after ten years have  
4 passed from the date he or she was required to register.

5 8. Effective August 28, 2006, any person on the sexual  
6 offender registry for having been convicted of, found guilty of,  
7 or having pled guilty or nolo contendere to an offense included  
8 under subsection 1 of this section may file a petition after two  
9 years have passed from the date the offender was convicted or  
10 found guilty of or pled guilty or nolo contendere to the offense  
11 or offenses in the civil division of the circuit court in the  
12 county in which the offender was convicted or found guilty of or  
13 pled guilty or nolo contendere to the offense or offenses for  
14 removal of his or her name from the registry if such person was  
15 nineteen years of age or younger and the victim was thirteen  
16 years of age or older at the time of the offense and no physical  
17 force or threat of physical force was used in the commission of  
18 the offense.

19 9. (1) The court may grant such relief under subsection 7  
20 or 8 of this section if such person demonstrates to the court  
21 that he or she has complied with the provisions of this section  
22 and is not a current or potential threat to public safety. The  
23 prosecuting attorney in the circuit court in which the petition  
24 is filed must be given notice, by the person seeking removal from  
25 the registry, of the petition to present evidence in opposition  
26 to the requested relief or may otherwise demonstrate the reasons  
27 why the petition should be denied. Failure of the person seeking  
28 removal from the registry to notify the prosecuting attorney of



1 the petition shall result in an automatic denial of such person's  
2 petition. If the prosecuting attorney is notified of the  
3 petition he or she shall make reasonable efforts to notify the  
4 victim of the crime for which the person was required to  
5 register, of the petition and the dates and times of any hearings  
6 or other proceedings in connection with that petition.

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

15 10. Any nonresident worker or nonresident student shall  
16 register for the duration of such person's employment or  
17 attendance at any school of higher education and is not entitled  
18 to relief under the provisions of subsection 9 of this section.  
19 Any registered offender from another state who has a temporary  
20 residence in this state and resides more than fourteen days in a  
21 twelve-month period shall register for the duration of such  
22 person's temporary residency and is not entitled to the  
23 provisions of subsection 9 of this section.

24 11. Any person whose name is removed from the sexual  
25 offender registry under subsection 7 or 8 of this section shall  
26 no longer be required to fulfill the registration requirements of  
27 sections 589.400 to 589.425, unless such person is required to  
28 register for committing another offense after being removed from

1 the registry.

2 589.402. 1. The chief law enforcement officer of the  
3 county or city not within a county may maintain a web page on the  
4 Internet, which shall be open to the public and shall include a  
5 registered sexual offender search capability.

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

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

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

18 (2) The date of birth and any known alias dates of birth of  
19 the offender;

20 (3) A physical description of the offender;

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

24 [(3) A photograph] (5) Any photographs of the offender;  
25 [and

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

28 (6) A physical description of the offender's vehicles,

1 including the year, make, model, color, and license plate number;

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

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

8 (9) Compliance status of the offender with the provisions  
9 of sections 589.400 to 589.425.

10 4. The chief law enforcement officer of any county or city  
11 not within a county may publish in any newspaper distributed in  
12 the county or city not within a county the sexual offender  
13 information provided under subsection 3 of this section for any  
14 offender residing in the county or city not within a county.

15 589.403. Any person to whom subsection 1 of section 589.400  
16 applies who is paroled, discharged, or otherwise released from  
17 any correctional facility of the department of corrections or any  
18 mental health institution where such person was confined, shall  
19 be informed by the official in charge of such correctional  
20 facility or mental health institution of the person's possible  
21 duty to register pursuant to sections 589.400 to 589.425. If  
22 such person is required to register pursuant to sections 589.400  
23 to 589.425, the official in charge of the correctional facility  
24 or the mental health institution shall obtain the address where  
25 the person expects to reside upon discharge, parole or release,  
26 and shall report such address to the chief law enforcement  
27 official of the county or city not within a county where the  
28 person expects to reside upon discharge, parole or release.

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

13           589.407. 1. Any registration pursuant to sections 589.400  
14 to 589.425 shall consist of completion of an offender  
15 registration form developed by the Missouri state highway patrol.  
16 Such form shall include, but is not limited to the following:

17           (1) A statement in writing signed by the person, giving the  
18 name, address, Social Security number and phone number of the  
19 person, the license plate number and vehicle description,  
20 including the year, make, model, and color of each vehicle owned  
21 or operated by the offender, the place of employment of such  
22 person, enrollment within any institutions of higher education,  
23 the crime which requires registration, whether the person was  
24 sentenced as a persistent or predatory offender pursuant to  
25 section 558.018, RSMo, the date, place, and a brief description  
26 of such crime, the date and place of the conviction or plea  
27 regarding such crime, the age and gender of the victim at the  
28 time of the offense and whether the person successfully completed

1 the Missouri sexual offender program pursuant to section 589.040,  
2 if applicable; and

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

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

8 (1) A photocopy of a valid driver's license or non-driver's  
9 identification card;

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

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

14 589.414. 1. If any person required by sections 589.400 to  
15 589.425 to register changes residence or address within the same  
16 county or city not within a county as such person's previous  
17 address, the person shall inform the chief law enforcement  
18 official in writing within ten days of such new address and phone  
19 number, if the phone number is also changed.

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

1 to register changes their state of residence, the person shall  
2 appear in person and shall inform both the chief law enforcement  
3 official with whom the person was last registered and the chief  
4 law enforcement official of the area in the new state having  
5 jurisdiction over the new residence or address within ten days of  
6 such new address. Whenever a registrant changes residence, the  
7 chief law enforcement official of the county or city not within a  
8 county where the person was previously registered shall promptly  
9 inform the Missouri state highway patrol of the change. When the  
10 registrant is changing the residence to a new state, the Missouri  
11 state highway patrol shall promptly inform the responsible  
12 official in the new state of residence.

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

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

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

28 (1) Any offender registered as a predatory or persistent

1 sexual offender under the definitions found in section 558.018,  
2 RSMo;

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

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

9 6. In addition to the requirements of subsections 1 and 2  
10 of this section, all registrants shall report [annually] semi-  
11 annually in person in the month of their birth and six months  
12 thereafter to the [county] chief law enforcement agency to verify  
13 the information contained in their statement made pursuant to  
14 section 589.407. All registrants shall provide an updated  
15 photograph of himself or herself in the month of his or her birth  
16 to the chief law enforcement agency. The photograph must depict  
17 a clear likeness of the registrant or the registrant shall be in  
18 violation of this section.

19 7. In addition to the requirements of subsections 1 and 2  
20 of this section, all Missouri registrants who work or attend  
21 school or training on a full-time or part-time basis in any other  
22 state shall be required to report in person to the chief law  
23 enforcement officer in the area of the state where they work or  
24 attend school or training and register in that state.

25 "Part-time" in this subsection means for more than fourteen days  
26 in any twelve-month period.

27 589.425. 1. [Any person who is required to register  
28 pursuant to sections 589.400 to 589.425 and does not meet all

1 requirements of sections 589.400 to 589.425 is guilty of a class  
2 A misdemeanor, unless the person has been convicted pursuant to  
3 chapter 566 of an unclassified felony, class A felony, class B  
4 felony, or any felony involving a child under the age of  
5 fourteen, in which case the person is guilty of a class D felony.

6 2. Any person who commits a second or subsequent violation  
7 of subsection 1 of this section is guilty of a class D felony,  
8 unless the person has been convicted pursuant to chapter 566 of  
9 an unclassified felony, class A felony, class B felony, or any  
10 felony involving a child under the age of fourteen, in which case  
11 the person is guilty of a class C felony.] A person commits the  
12 crime of failing to register as a sex offender when the person is  
13 required to register under sections 589.400 to 589.425 and fails  
14 to comply with any requirement of sections 589.400 to 589.425.  
15 Failing to register as a sex offender is a class A misdemeanor  
16 unless the person is required to register based on having  
17 committed an offense in chapter 566, RSMo, which was an  
18 unclassified felony, a class A or B felony, or a felony involving  
19 a child under the age of fourteen, in which case it is a class D  
20 felony.

21 2. A person commits the crime of failing to register as a  
22 sex offender as a second offense by failing to comply with any  
23 requirement of sections 589.400 to 589.425 and he or she has  
24 previously pled guilty to or has previously been found guilty of  
25 failing to register as a sex offender. Failing to register as a  
26 sex offender as a second offense is a class D felony unless the  
27 person is required to register based on having committed an  
28 offense in chapter 566, RSMo, which was an unclassified felony, a



1 class A or B felony, or a felony involving a child under the age  
2 of fourteen, in which case it is a class C felony.

3 3. A person commits the crime of failing to register as a  
4 sex offender as a third offense by failing to meet the  
5 requirements of sections 589.400 to 589.425 and he or she has, on  
6 two or more occasions, previously pled guilty to or has  
7 previously been found guilty of failing to register as a sex  
8 offender. Failing to register as a sex offender as a third  
9 offense is a felony which shall be punished by a term of  
10 imprisonment of not less than ten years and not more than thirty  
11 years.

12 (1) No court may suspend the imposition or execution of  
13 sentence of a person who pleads guilty to or is found guilty of  
14 failing to register as a sex offender as a third offense. No  
15 court may sentence such person to pay a fine in lieu of a term of  
16 imprisonment.

17 (2) A person sentenced under this subsection shall not be  
18 eligible for conditional release or parole until he or she has  
19 served at least two years of imprisonment.

20 (3) Upon release, an offender who has committed failing to  
21 register as a sex offender as a third offense shall be  
22 electronically monitored as a mandatory condition of supervision.  
23 Electronic monitoring may be based on a global positioning system  
24 or any other technology which identifies and records the  
25 offender's location at all times.

26 600.042. 1. The director shall:

27 (1) Direct and supervise the work of the deputy directors  
28 and other state public defender office personnel appointed

1       pursuant to this chapter; and he and the chief deputy director  
2       may participate in the trial and appeal of criminal actions at  
3       the request of the defender or upon order of the commission;

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

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

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

28           (5)   Develop programs and administer activities to achieve

1 the purposes of this chapter;

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

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

10 (8) With approval of the commission, promulgate necessary  
11 rules, regulations and instructions consistent with this chapter  
12 defining the organization of his office and the responsibilities  
13 of public defenders, assistant public defenders, deputy public  
14 defenders and other personnel;

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

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

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

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

5           3. The director and defenders shall, within guidelines as  
6 established by the commission and as set forth in subsection 4 of  
7 this section, accept requests for legal services from eligible  
8 persons entitled to counsel under this chapter or otherwise so  
9 entitled under the constitution or laws of the United States or  
10 of the state of Missouri and provide such persons with legal  
11 services when, in the discretion of the director or the  
12 defenders, such provision of legal services is appropriate.

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

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

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

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

22           (4) Who has been taken into custody pursuant to section  
23 632.489, RSMo, including appeals from a determination that the  
24 person is a sexually violent predator and petitions for release,  
25 notwithstanding any provisions of law to the contrary;

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

28           (6) For whom, in a case in which he faces a loss or

1 deprivation of liberty, any law of this state requires the  
2 appointment of counsel; however, the director and the defenders  
3 shall not be required to provide legal services to persons  
4 charged with violations of county or municipal ordinances.

5 5. The director may:

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

8 (2) Designate persons as representatives of the director  
9 for the purpose of making indigency determinations and assigning  
10 counsel.

11 632.484. 1. When the attorney general receives written  
12 notice from any law enforcement agency that a person, who has  
13 pled guilty to or been convicted of a sexually violent offense  
14 and who is not presently in the physical custody of an agency  
15 with jurisdiction:

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

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

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

1 attorney general shall provide notice of the petition to the  
2 prosecuting attorney of the county where the petition was filed.

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

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

26 4. If the department determines that the person may meet  
27 the definition of a sexually violent predator, the attorney  
28 general shall provide the results of the investigation and

1 evaluation to the prosecutors' review committee. The  
2 prosecutors' review committee shall, by majority vote, determine  
3 whether or not the person meets the definition of a sexually  
4 violent predator within twenty-four hours of written notice from  
5 the attorney general's office. If the prosecutors' review  
6 committee determines that the person meets the definition of a  
7 sexually violent predator, the prosecutors' review committee  
8 shall provide written notice to the attorney general of its  
9 determination. The attorney general may file a petition pursuant  
10 to section 632.486 within forty-eight hours after obtaining the  
11 results from the department.

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

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

17 632.489. 1. Upon filing a petition pursuant to section  
18 632.484 or 632.486, the judge shall determine whether probable  
19 cause exists to believe that the person named in the petition is  
20 a sexually violent predator. If such probable cause  
21 determination is made, the judge shall direct that person be  
22 taken into custody and direct that the person be transferred to  
23 an appropriate secure facility, including, but not limited to, a  
24 county jail. If the person is ordered to the department of  
25 mental health, the director of the department of mental health  
26 shall determine the appropriate secure facility to house the  
27 person under the provisions of section 632.495.

28 2. Within seventy-two hours after a person is taken into

1 custody pursuant to subsection 1 of this section, excluding  
2 Saturdays, Sundays and legal holidays, such person shall be  
3 provided with notice of, and an opportunity to appear in person  
4 at, a hearing to contest probable cause as to whether the  
5 detained person is a sexually violent predator. At this hearing  
6 the court shall:

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

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

12 3. At the probable cause hearing as provided in subsection  
13 2 of this section, the detained person shall have the following  
14 rights in addition to the rights previously specified:

15 (1) To be represented by counsel;

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

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

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

21 4. If the probable cause determination is made, the court  
22 shall direct that the person be transferred to an appropriate  
23 secure facility, including, but not limited to, a county jail,  
24 for an evaluation as to whether the person is a sexually violent  
25 predator. If the person is ordered to the department of mental  
26 health, the director of the department of mental health shall  
27 determine the appropriate secure facility to house the person.  
28 The court shall direct the director of the department of mental



1 health to have the person examined by a psychiatrist or  
2 psychologist as defined in section 632.005 who was not a member  
3 of the multidisciplinary team that previously reviewed the  
4 person's records. In addition, such person may be examined by a  
5 consenting psychiatrist or psychologist of the person's choice at  
6 the person's own expense. Any examination shall be conducted in  
7 the facility in which the person is confined. Any examinations  
8 ordered shall be made at such time and under such conditions as  
9 the court deems proper; except that, if the order directs the  
10 director of the department of mental health to have the person  
11 examined, the director shall determine the time, place and  
12 conditions under which the examination shall be conducted. The  
13 psychiatrist or psychologist conducting such an examination shall  
14 be authorized to interview family and associates of the person  
15 being examined, as well as victims and witnesses of the person's  
16 offense or offenses, for use in the examination unless the court  
17 for good cause orders otherwise. The psychiatrist or  
18 psychologist shall have access to all materials provided to and  
19 considered by the multidisciplinary team and to any police  
20 reports related to sexual offenses committed by the person being  
21 examined. Any examination performed pursuant to this section  
22 shall be completed and filed with the court within sixty days of  
23 the date the order is received by the director or other evaluator  
24 unless the court for good cause orders otherwise. One  
25 examination shall be provided at no charge by the department. All  
26 costs of any subsequent evaluations shall be assessed to the  
27 party requesting the evaluation.

28 632.495. 1. The court or jury shall determine whether,

1     [~~beyond a reasonable doubt~~] by clear and convincing evidence, the  
2     person is a sexually violent predator. If such determination  
3     that the person is a sexually violent predator is made by a jury,  
4     such determination shall be by unanimous verdict of such jury.  
5     Any determination as to whether a person is a sexually violent  
6     predator may be appealed.

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

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

1 predator, a person ordered to the department of mental health  
2 after a finding of probable cause under section 632.489, or a  
3 person committed for control, care, and treatment by the  
4 department of mental health, pursuant to sections 632.480 to  
5 632.513, with other mental health patients [who have not been  
6 determined to be sexually violent predators]. The provisions of  
7 this subsection shall not apply to a person who has been  
8 conditionally released under section 632.505.

9 4. The department of mental health is authorized to enter  
10 into an interagency agreement with the department of corrections  
11 for the confinement of such persons. Such persons who are in the  
12 confinement of the department of corrections pursuant to an  
13 interagency agreement shall be housed and managed separately from  
14 offenders in the custody of the department of corrections, and  
15 except for occasional instances of supervised incidental contact,  
16 shall be segregated from such offenders.

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

21 6. Upon a mistrial, the court shall direct that the person  
22 be held at an appropriate secure facility, including, but not  
23 limited to, a county jail, until another trial is conducted. If  
24 the person is ordered to the department of mental health, the  
25 director of the department of mental health shall determine the  
26 appropriate secure facility to house the person. Any subsequent  
27 trial following a mistrial shall be held within ninety days of  
28 the previous trial, unless such subsequent trial is continued as

1 provided in section 632.492.

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

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

20 3. If the committed person petitions the court for  
21 conditional release over the director's objection, the petition  
22 shall be served upon the court that committed the person, the  
23 director of the department of mental health, the head of the  
24 facility housing the person, and the attorney general.

25 4. The committed person shall have a right to have an  
26 attorney represent the person at the hearing but the person is  
27 not entitled to be present at the hearing. If the court at the  
28 hearing determines by a preponderance of the evidence that the

1 person no longer suffers from a mental abnormality that makes the  
2 person likely to engage in acts of sexual violence if  
3 [discharged] released, then the court shall set a [hearing] trial  
4 on the issue. [At the hearing, the]

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

6 (1) The committed person shall be entitled to be present  
7 and entitled to the benefit of all constitutional protections  
8 that were afforded the person at the initial commitment  
9 proceeding[.];

10 (2) The attorney general shall represent the state and  
11 shall have a right to a jury trial and to have the committed  
12 person evaluated by a psychiatrist or psychologist not employed  
13 by the department of mental health or the department of  
14 corrections. In addition, the person may be examined by a  
15 consenting psychiatrist or psychologist of the person's choice at  
16 the person's own expense[.];

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

24 (4) If the court or jury finds that the person's mental  
25 abnormality remains such that the person is not safe to be at  
26 large and if released is likely to engage in acts of sexual  
27 violence, the person shall remain in the custody of the  
28 department of mental health in a secure facility designated by

1 the director of the department of mental health. If the court or  
2 jury finds that the person's mental abnormality has so changed  
3 that the person is not likely to commit acts of sexual violence  
4 if released, the person shall be conditionally released as  
5 provided in section 632.505.

6 632.501. If the director of the department of mental health  
7 determines that the person's mental abnormality has so changed  
8 that the person is not likely to commit acts of sexual violence  
9 if released, the director shall authorize the person to petition  
10 the court for release. The petition shall be served upon the  
11 court that committed the person, the director of the department  
12 of mental health, the head of the facility housing the person,  
13 and the attorney general. [The court, upon receipt of the  
14 petition for release, shall order a hearing within thirty days.  
15 The attorney general shall represent the state, and shall have  
16 the right to have the petitioner examined by a consenting  
17 psychiatrist or psychologist not employed by the department of  
18 mental health or department of corrections. The hearing shall be  
19 before a jury if demanded by either the petitioner or the  
20 attorney general. The burden of proof shall be upon the attorney  
21 general to show beyond a reasonable doubt that the petitioner's  
22 mental abnormality remains such that the petitioner is not safe  
23 to be at large and that if discharged is likely to commit acts of  
24 sexual violence.] The hearing and trial, if any, shall be  
25 conducted according to the provisions of section 632.498.

26 632.504. Nothing in sections 632.480 to 632.513 shall  
27 prohibit a person from filing a petition for [discharge] release  
28 pursuant to sections 632.480 to 632.513. However, if a person

1 has previously filed a petition for [discharge] release without  
2 the director's [of the department of mental health] approval and  
3 the court determined either upon review of the petition or  
4 following a hearing, that the petitioner's petition was frivolous  
5 or that the petitioner's condition had not so changed that the  
6 person was safe to be at large, then the court shall deny the  
7 subsequent petition unless the petition contains facts upon which  
8 a court could find the condition of the petitioner had so changed  
9 that a hearing was warranted. Upon receipt of a first or  
10 subsequent petition from committed persons without the director's  
11 approval, the court shall endeavor whenever possible to review  
12 the petition and determine if the petition is based upon  
13 frivolous grounds and if so shall deny the petition without a  
14 hearing.

15 632.505. 1. Upon determination by a court or jury that the  
16 person's mental abnormality has so changed that the person is not  
17 likely to commit acts of sexual violence if released, the court  
18 shall place the person on conditional release pursuant to the  
19 terms of this section. The primary purpose of conditional  
20 release is to provide outpatient treatment and monitoring to  
21 prevent the person's condition from deteriorating to the degree  
22 that the person would need to be returned to a secure facility  
23 designated by the director of the department of mental health.

24 2. The department of mental health is authorized to enter  
25 into an interagency agreement with the department of corrections  
26 for the supervision of persons granted a conditional release by  
27 the court. In conjunction with the department of corrections,  
28 the department of mental health shall develop a conditional

1 release plan which contains appropriate conditions for the person  
2 to be released. The plan shall address the person's need for  
3 supervision, counseling, medication, community support services,  
4 residential services, vocational services, and alcohol and drug  
5 treatment. The department of mental health shall submit the  
6 proposed plan for conditional release to the court.

7 3. The court shall review the plan and determine the  
8 conditions that it deems necessary to meet the person's need for  
9 treatment and supervision and to protect the safety of the  
10 public. The court shall order that the person shall be subject  
11 to the following conditions and other conditions as deemed  
12 necessary:

13 (1) Maintain a residence approved by the department of  
14 mental health and not change residence unless approved by the  
15 department of mental health;

16 (2) Maintain employment unless engaged in other structured  
17 activity approved by the department of mental health;

18 (3) Obey all federal and state laws;

19 (4) Not possess a firearm or dangerous weapon;

20 (5) Not be employed or voluntarily participate in an  
21 activity that involves contact with children without approval of  
22 the department of mental health;

23 (6) Not consume alcohol or use a controlled substance  
24 except as prescribed by a treating physician and to submit, upon  
25 request, to any procedure designed to test for alcohol or  
26 controlled substance use;

27 (7) Not associate with any person who has been convicted  
28 of a felony unless approved by the department of mental health;



1       (8) Not leave the state without permission of the  
2       department of mental health;

3       (9) Not have contact with specific persons, including but  
4       not limited to, the victim or victim's family, as directed by the  
5       department of mental health;

6       (10) Not have any contact with any child without specific  
7       approval by the department of mental health;

8       (11) Not possess material that is pornographic, sexually  
9       oriented, or sexually stimulating;

10       (12) Not enter a business providing sexually stimulating or  
11       sexually oriented entertainment;

12       (13) Submit to a polygraph, plethysmograph, or other  
13       electronic or behavioral monitoring or assessment;

14       (14) Submit to electronic monitoring which may be based on  
15       a global positioning system or other technology which identifies  
16       and records a person's location at all times;

17       (15) Attend and fully participate in assessment and  
18       treatment as directed by the department of mental health;

19       (16) Take all psychiatric medications as prescribed by a  
20       treating physician;

21       (17) Authorize the department of mental health to access  
22       and obtain copies of confidential records pertaining to  
23       evaluation, counseling, treatment, and other such records and  
24       provide the consent necessary for the release of any such  
25       records;

26       (18) Pay fees to the department of mental health and the  
27       department of corrections to cover the costs of services and  
28       monitoring;

1       (19) Report to or appear in person as directed by the  
2       department of mental health and the department of corrections,  
3       and to follow all directives of such departments;

4       (20) Comply with any registration requirements under  
5       sections 589.400 to 589.425, RSMo; and

6       (21) Comply with any other conditions that the court  
7       determines to be in the best interest of the person and society.

8       4. The court shall provide a copy of the order containing  
9       the conditions of release to the person, the attorney general,  
10      the department of mental health, the head of the facility housing  
11      the person, and the department of corrections.

12      5. A person who is conditionally released and supervised by  
13      a probation and parole officer employed by the department of  
14      corrections remains under the control, care, and treatment of the  
15      department of mental health.

16      6. The court may modify conditions of release upon its own  
17      motion or upon the petition of the department of mental health,  
18      the department of corrections, or the person on conditional  
19      release.

20      7. The following provisions shall apply to violations of  
21      conditional release:

22      (1) If any probation and parole officer has reasonable  
23      cause to believe that a person on conditional release has  
24      violated a condition of release or that the person is no longer a  
25      proper subject for conditional release, the officer may issue a  
26      warrant for the person's arrest. The warrant shall contain a  
27      brief recitation of the facts supporting the officer's belief.  
28      The warrant shall direct any peace officer to take the person

1 into custody immediately so that the person can be returned to a  
2 secure facility;

3 (2) If the director of the department of mental health or  
4 the director's designee has reasonable cause to believe that a  
5 person on conditional release has violated a condition of release  
6 or that the person is no longer a proper subject for conditional  
7 release, the director or the director's designee may request that  
8 a peace officer take the person into custody immediately, or  
9 request that a probation and parole officer or the court which  
10 ordered the release, issue a warrant for the person's arrest so  
11 that the person can be returned to a secure facility;

12 (3) At any time during the period of a conditional release,  
13 the court which ordered the release may issue a notice to the  
14 released person to appear to answer a charge of a violation of  
15 the terms of the release and the court may issue a warrant of  
16 arrest for the violation. Such notice shall be personally served  
17 upon the released person. The warrant shall authorize the return  
18 of the released person to the custody of the court or to the  
19 custody of the director of mental health or the director's  
20 designee;

21 (4) No peace officer responsible for apprehending and  
22 returning the person to the facility upon the request of the  
23 director of the department of mental health or the director's  
24 designee or a probation and parole officer shall be civilly  
25 liable for apprehending or transporting such person to the  
26 facility so long as such duties were performed in good faith and  
27 without negligence;

28 (5) The department of mental health shall promptly notify

1 the court that the person has been apprehended and returned to a  
2 secure facility;

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

8 (7) If a petition to revoke conditional release is filed,  
9 the person shall remain in custody until a hearing is held on the  
10 petition. The hearing shall be given priority on the court's  
11 docket. If upon hearing the evidence, the court finds by  
12 preponderance of the evidence that the person has violated a  
13 condition of release and that the violation of the condition was  
14 sufficient to render the person no longer suitable for  
15 conditional release, the court shall revoke the conditional  
16 release and order the person returned to a secure facility  
17 designated by the director of the department of mental health.  
18 If the court determines that revocation is not required, the  
19 court may modify or increase the conditions of release or order  
20 the person's release on the existing conditions of release;

21 (8) A person whose conditional release has been revoked may  
22 petition the court for subsequent release pursuant to sections  
23 632.498, 632.501, and 632.504 no sooner than six months after the  
24 person's return to a secure facility.

25 8. The department of mental health may enter into  
26 agreements with the department of corrections and other  
27 departments and may enter into contracts with private entities  
28 for the purpose of supervising a person on conditional release.

1       9. The department of mental health and the department of  
2       corrections may require a person on conditional release to pay a  
3       reasonable fee to cover the costs of providing services and  
4       monitoring while the person is released. Each department may  
5       adopt rules with respect to establishing, waiving, collecting,  
6       and using fees. Any rule or portion of a rule, as that term is  
7       defined in section 536.010, RSMo, that is created under the  
8       authority delegated in this section shall become effective only  
9       if it complies with and is subject to all of the provisions of  
10      chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
11      This section and chapter 536, RSMo, are nonseverable and if any  
12      of the powers vested with the general assembly pursuant to  
13      chapter 536, RSMo, to review, to delay the effective date, or to  
14      disapprove and annul a rule are subsequently held  
15      unconstitutional, then the grant of rulemaking authority and any  
16      rule proposed or adopted after August 28, 2006, shall be invalid  
17      and void.

18      10. In the event a person on conditional release escapes  
19      from custody, the department of mental health shall notify the  
20      court, the department of corrections, the attorney general, the  
21      chief law enforcement officer of the county or city not within a  
22      county from where the person escaped or absconded, and any other  
23      persons necessary to protect the safety of the public or to  
24      assist in the apprehension of the person. The attorney general  
25      shall notify victims and witnesses. Upon receiving such notice,  
26      the attorney general shall file escape from commitment charges  
27      under section 575.195, RSMo.

28           632.507. 1. The attorney general shall in a timely manner

1 inform victims of a sexually violent offense committed by a  
2 person:

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

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

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

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

13 (5) Of the filing of any petition or pending proceedings  
14 held pursuant to the provisions of sections 632.498 to [632.504]  
15 632.505;

16 (6) Of the escape of any person committed under sections  
17 632.480 to 632.513.

18 2. Such victims shall have the right to be present at any  
19 proceeding held pursuant to the provisions of sections 632.480 to  
20 632.513. Failure to notify shall not be a reason for  
21 postponement of release. Nothing in this section shall create a  
22 cause of action against the state or an employee of the state  
23 acting within the scope of the employee's employment as a result  
24 of the failure to notify pursuant to this section.

25 650.120. 1. Subject to appropriation, the department of  
26 public safety shall create a program to distribute grants to  
27 multijurisdictional Internet cyber crime law enforcement task  
28 forces and other law enforcement agencies. The grants shall be

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

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

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

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

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

19 (4) Two members of the state highway patrol shall be  
20 appointed by the director of the department of public safety from  
21 a list of six nominees submitted by the Missouri State Troopers  
22 Association;

23 (5) One member of the house of representatives who shall be  
24 appointed by the speaker of the house of representatives; and

25 (6) One member of the senate who shall be appointed by the  
26 president pro tem.

27 The panel members who are appointed under subdivisions (2), (3),

1 and (4) of this subsection shall serve a four-year term ending  
2 four years from the date of expiration of the term for which his  
3 or her predecessor was appointed. However, a person appointed to  
4 fill a vacancy prior to the expiration of such a term shall be  
5 appointed for the remainder of the term. Such members shall hold  
6 office for the term of his or her appointment and until a  
7 successor is appointed. The members of the panel shall receive  
8 no additional compensation but shall be eligible for  
9 reimbursement for mileage directly related to the performance of  
10 panel duties.

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

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

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

23 6. Multijurisdictional Internet cyber crime law enforcement  
24 task forces and other law enforcement agencies participating in  
25 the grant program established in subsection 1 of this section  
26 shall share information and cooperate with the highway patrol and  
27 with existing Internet Crimes Against Children task force  
28 programs.



1       7. The panel may make recommendations to the general  
2       assembly regarding the need for additional resources or  
3       appropriations.

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

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

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

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

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

22      2. The highway patrol shall enter the electronic monitoring  
23      of the offender into the Missouri law enforcement system (MULES)  
24      and sexual offender registry where it is available to members of  
25      the criminal justice system, and other entities as provided by  
26      law, upon inquiry.

27      Section B. Because of the need to protect Missouri citizens  
28      from sexual offenders, section A of this act is deemed necessary

for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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