

## 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, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof forty-five 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:

1           Section A. Sections 43.650, 217.735, 547.170, 556.061,  
 2   558.018, 559.100, 559.106, 566.010, 566.030, 566.060, 566.067,  
 3   566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020,  
 4   568.060, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407,  
 5   589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498,  
 6   632.501, 632.504, and 632.507, RSMo, are repealed and forty-five  
 7   new sections enacted in lieu thereof, to be known as sections  
 8   43.533, 43.650, 188.023, 217.735, 351.609, 489.042, 544.025,  
 9   547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.030,  
 10   566.060, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147,  
 11   566.149, 566.151, 566.213, 568.020, 568.060, 575.159, 575.195,

1 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425,  
2 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504,  
3 632.505, 632.507, and 650.120, to read as follows:

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

21 2. The patrol shall promulgate rules to effect the  
22 enforcement of this section. Any rule or portion of a rule, as  
23 that term is defined in section 536.010, RSMo, that is created  
24 under the authority delegated in this section shall become  
25 effective only if it complies with and is subject to all of the  
26 provisions of chapter 536, RSMo, and, if applicable, section  
27 536.028, RSMo. This section and chapter 536, RSMo, are  
28 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536, RSMo, to review, to delay the  
2 effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2006,  
5 shall be invalid and void.

6 43.650. 1. The patrol shall, subject to appropriation,  
7 maintain a web page on the Internet which shall be open to the  
8 public and shall include a registered sexual offender search  
9 capability.

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

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

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

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

26 (2) The date of birth and any known alias dates of birth of  
27 the offender;

28 (3) A physical description of the offender;

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

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

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

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

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

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

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

18       188.023. Any licensed health care professional who delivers  
19 a baby or performs an abortion, who has prima facie evidence that  
20 a patient has been the victim of statutory rape in the first  
21 degree or statutory rape in the second degree, or if the patient  
22 is under the age of eighteen, that he or she has been a victim of  
23 sexual abuse, including forcible rape, sexual assault, or incest,  
24 shall be required to report such offenses in the same manner as  
25 provided for by section 210.115, RSMo.

26       217.735. 1. Notwithstanding any other provision of law to  
27 the contrary, the board shall supervise an offender for the  
28 duration of his or her natural life when the offender has pleaded

1 guilty to or been found guilty of an offense under section  
2 566.030, 566.032, 566.060, or 566.062, RSMo, based on an act  
3 committed on or after August 28, 2006, or the offender has  
4 pleaded guilty to or has been found guilty of an offense under  
5 section 566.067, 566.083, 566.100, 566.151, 566.212, 566.213,  
6 568.020, 568.080, or 568.090, RSMo, based on an act committed on  
7 or after August 28, [2005] 2006, against a victim who was less  
8 than fourteen years old and the offender is a prior sex offender  
9 as defined in subsection 2 of this section.

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

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

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

27 5. In appropriate cases as determined by a risk assessment,  
28 the board may terminate the supervision of an offender who is

1 being supervised under this section when the offender is  
2 sixty-five years of age or older.

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

6 351.609. 1. For the purposes of this section, the  
7 following terms shall mean:

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

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

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

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

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

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

24       3. When properly served with a subpoena or search warrant  
25 issued by a Missouri court, a foreign corporation shall provide  
26 to the peace officer to whom the subpoena or search warrant was  
27 issued, all records sought under the subpoena or search warrant  
28 within five business days of receipt, including any records

1 maintained or located outside the state.

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

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

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

20 7. A Missouri corporation that provides electronic  
21 communication services or remote computing services to the  
22 general public, when served with a subpoena or search warrant  
23 issued by another state to produce records that reveal the  
24 identity of the customers using those services, data stored by,  
25 or on behalf of, the customer, the customer's usage of those  
26 services, the recipient or destination of communications sent to  
27 or from those customers, or the content of those communications,  
28 shall produce those records as if the subpoena or search warrant



1 was issued by a court of this state.

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

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

19 544.025. 1. When a victim of a sexual offense initially  
20 makes a report of such offense to a law enforcement officer or a  
21 prosecuting or circuit attorney, such law enforcement officer or  
22 prosecuting or circuit attorney shall endeavor to inform the  
23 victim that he or she has a right to request a no contact order  
24 be issued against the alleged perpetrator of the sexual offense  
25 and how the victim can obtain such an order.

26 2. When a judge issues an arrest warrant for a person  
27 alleged to have committed a sexual offense, regardless of whether  
28 or not the warrant is based on a complaint, indictment, or

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

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

20 547.170. In all cases where an appeal or writ of error is  
21 prosecuted from a judgment in a criminal cause, except where the  
22 defendant is under sentence of death or imprisonment in the  
23 penitentiary for life, or a sentence of imprisonment for a  
24 violation of sections 195.222, RSMo, 565.021, RSMo, 565.050,  
25 RSMo, subsections 1 and 2 of section 566.030, 566.032, 566.040,  
26 566.060, 566.062, 566.067, 566.070, 566.083, 566.100, 566.151,  
27 566.212, 566.213, 568.080, 568.090, 573.023, 573.025, 573.035,  
28 573.037, RSMo, any court or officer authorized to order a stay of

1 proceedings under the preceding provisions may allow a writ of  
2 habeas corpus, to bring up the defendant, and may thereupon let  
3 him to bail upon a recognizance, with sufficient sureties, to be  
4 approved by such court or judge.

5 556.061. In this code, unless the context requires a  
6 different definition, the following shall apply:

7 (1) "Affirmative defense" has the meaning specified in  
8 section 556.056;

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

11 (3) "Commercial film and photographic print processor", any  
12 person who develops exposed photographic film into negatives,  
13 slides or prints, or who makes prints from negatives or slides,  
14 for compensation. The term commercial film and photographic  
15 print processor shall include all employees of such persons but  
16 shall not include a person who develops film or makes prints for  
17 a public agency;

18 (4) "Confinement":

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

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

23 b. The person is released on bail, bond, or recognizance,  
24 personal or otherwise; or

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

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

1           a. The person is on probation or parole, temporary or  
2 otherwise; or

3           b. The person is under sentence to serve a term of  
4 confinement which is not continuous, or is serving a sentence  
5 under a work-release program, and in either such case is not  
6 being held in a place of confinement or is not being held under  
7 guard by a person having the legal power and duty to transport  
8 the person to or from a place of confinement;

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

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

14           (b) It is given by a person who by reason of youth, mental  
15 disease or defect, or intoxication, is manifestly unable or known  
16 by the actor to be unable to make a reasonable judgment as to the  
17 nature or harmfulness of the conduct charged to constitute the  
18 offense; or

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

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

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

25           (8) "Dangerous felony" means the felonies of arson in the  
26 first degree, assault in the first degree, attempted forcible  
27 rape if physical injury results, attempted forcible sodomy if  
28 physical injury results, forcible rape, forcible sodomy,

1 kidnapping, murder in the second degree, assault of a law  
2 enforcement officer in the first degree, domestic assault in the  
3 first degree, elder abuse in the first degree, robbery in the  
4 first degree, statutory rape in the first degree when the victim  
5 is a child less than twelve years of age at the time of the  
6 commission of the act giving rise to the offense, statutory  
7 sodomy in the first degree when the victim is a child less than  
8 twelve years of age at the time of the commission of the act  
9 giving rise to the offense, and, abuse of a child pursuant to  
10 subdivision (2) of subsection 3 of section 568.060, RSMo, and  
11 child kidnapping;

12 (9) "Dangerous instrument" means any instrument, article or  
13 substance, which, under the circumstances in which it is used, is  
14 readily capable of causing death or other serious physical  
15 injury;

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

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

21 (12) "Forcible compulsion" means either:

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

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

26 (13) "Incapacitated" means that physical or mental  
27 condition, temporary or permanent, in which a person is  
28 unconscious, unable to appraise the nature of such person's

1     conduct, or unable to communicate unwillingness to an act. A  
2     person is not incapacitated with respect to an act committed upon  
3     such person if he or she became unconscious, unable to appraise  
4     the nature of such person's conduct or unable to communicate  
5     unwillingness to an act, after consenting to the act;

6             (14) "Infraction" has the meaning specified in section  
7     556.021;

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

10            (16) "Knowingly" has the meaning specified in section  
11     562.016, RSMo;

12            (17) "Law enforcement officer" means any public servant  
13     having both the power and duty to make arrests for violations of  
14     the laws of this state, and federal law enforcement officers  
15     authorized to carry firearms and to make arrests for violations  
16     of the laws of the United States;

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

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

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

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

25            (22) "Possess" or "possessed" means having actual or  
26     constructive possession of an object with knowledge of its  
27     presence. A person has actual possession if such person has the  
28     object on his or her person or within easy reach and convenient

1 control. A person has constructive possession if such person has  
2 the power and the intention at a given time to exercise dominion  
3 or control over the object either directly or through another  
4 person or persons. Possession may also be sole or joint. If one  
5 person alone has possession of an object, possession is sole. If  
6 two or more persons share possession of an object, possession is  
7 joint;

8 (23) "Public servant" means any person employed in any way  
9 by a government of this state who is compensated by the  
10 government by reason of such person's employment, any person  
11 appointed to a position with any government of this state, or any  
12 person elected to a position with any government of this state.  
13 It includes, but is not limited to, legislators, jurors, members  
14 of the judiciary and law enforcement officers. It does not  
15 include witnesses;

16 (24) "Purposely" has the meaning specified in section  
17 562.016, RSMo;

18 (25) "Recklessly" has the meaning specified in section  
19 562.016, RSMo;

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

23 (27) "Serious emotional injury", an injury that creates a  
24 substantial risk of temporary or permanent medical or  
25 psychological damage, manifested by impairment of a behavioral,  
26 cognitive or physical condition. Serious emotional injury shall  
27 be established by testimony of qualified experts upon the  
28 reasonable expectation of probable harm to a reasonable degree of

1 medical or psychological certainty;

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

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

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

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

18 (32) "Voluntary act" has the meaning specified in section  
19 562.011, RSMo.

20 558.018. 1. The court shall sentence a person who has  
21 pleaded guilty to or has been found guilty of the felony of  
22 forcible rape, statutory rape in the first degree, forcible  
23 sodomy, statutory sodomy in the first degree or an attempt to  
24 commit any of the crimes designated in this subsection to an  
25 extended term of imprisonment if it finds the defendant is a  
26 persistent sexual offender.

27 2. A "persistent sexual offender" is one who has previously  
28 pleaded guilty to or has been found guilty of the felony of



1 forcible rape, rape, statutory rape in the first degree, forcible  
2 sodomy, sodomy, statutory sodomy in the first degree or an  
3 attempt to commit any of the crimes designated in this  
4 subsection.

5 3. The term of imprisonment for one found to be a  
6 persistent sexual offender shall be [not less than thirty years,  
7 which term shall be served without] imprisonment for life without  
8 eligibility for probation or parole. Subsection 4 of section  
9 558.019 shall not apply to any person imprisoned under this  
10 subsection, and "imprisonment for life" shall mean imprisonment  
11 for the duration of the person's natural life.

12 4. The court shall sentence a person who has pleaded guilty  
13 to or has been found guilty of the felony of forcible rape,  
14 statutory rape in the first degree, forcible sodomy, statutory  
15 sodomy in the first degree, or an attempt to commit any of the  
16 preceding crimes or child molestation in the first degree when  
17 classified as a class B felony or sexual abuse when classified as  
18 a class B felony to an extended term of imprisonment as provided  
19 for in this section if it finds the defendant is a predatory  
20 sexual offender.

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

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

1 felony; or

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

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

10 6. A person found to be a predatory sexual offender shall  
11 be imprisoned for life with eligibility for parole, however  
12 subsection 4 of section 558.019 shall not apply to persons found  
13 to be predatory sexual offenders for the purposes of determining  
14 the minimum prison term or the length of sentence as defined or  
15 used in such subsection. Notwithstanding any other provision of  
16 law, in no event shall a person found to be a predatory sexual  
17 offender receive a final discharge from parole.

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

24 (1) Has previously pleaded guilty to or has been found  
25 guilty of the felony of forcible rape, rape, statutory rape in  
26 the first degree, forcible sodomy, sodomy, statutory sodomy in  
27 the first degree, or an attempt to commit any of the preceding  
28 crimes and pleads guilty to or is found guilty of the felony of

1 forcible rape, statutory rape in the first degree, forcible  
2 sodomy, statutory sodomy in the first degree or an attempt to  
3 commit any of the preceding crimes shall be any number of years  
4 but not less than thirty years;

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

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

20 (4) 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 child  
24 molestation in the first degree when classified as a class B  
25 felony or sexual abuse when classified as a class B felony shall  
26 be any number of years but not less than fifteen years;

27 (5) Is found to be a predatory sexual offender pursuant to  
28 subdivision (2) or (3) of subsection 5 of this section shall be

1 any number of years within the range to which the person could  
2 have been sentenced pursuant to the applicable law if the person  
3 was not found to be a predatory sexual offender.

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

8 559.100. 1. The circuit courts of this state shall have  
9 power, herein provided, to place on probation or to parole  
10 persons convicted of any offense over which they have  
11 jurisdiction, except as otherwise provided in sections 195.275 to  
12 195.296, RSMo, section 558.018, RSMo, section 559.115, section  
13 565.020, RSMo, sections 566.030, 566.060, 566.067, 566.151, and  
14 566.213, RSMo, section 571.015, RSMo, and [section 559.115]  
15 subsection 3 of section 589.425, RSMo.

16 2. The circuit court shall have the power to revoke the  
17 probation or parole previously granted and commit the person to  
18 the department of corrections. The circuit court shall determine  
19 any conditions of probation or parole for the defendant that it  
20 deems necessary to ensure the successful completion of the  
21 probation or parole term, including the extension of any term of  
22 supervision for any person while on probation or parole. The  
23 circuit court may require that the defendant pay restitution for  
24 his crime. The probation or parole may be revoked for failure to  
25 pay restitution or for failure to conform his behavior to the  
26 conditions imposed by the circuit court. The circuit court may,  
27 in its discretion, credit any period of probation or parole as  
28 time served on a sentence.

1     \_\_\_\_559.106. 1. Notwithstanding any statutory provision to the  
2     contrary, when a court grants probation to an offender who has  
3     pleaded guilty to or has been found guilty of an offense in  
4     section 566.030, 566.032, 566.060, or 566.062, RSMo, based on an  
5     act committed on or after August 28, 2006, or the offender has  
6     pleaded guilty to or has been found guilty of an offense under  
7     section 566.067, 566.083, 566.100, 566.151, 566.212, 566.213,  
8     568.020, 568.080, or 568.090, RSMo, based on an act committed on  
9     or after August 28, [2005] 2006, against a victim who was less  
10    than fourteen years old and the offender is a prior sex offender  
11    as defined in subsection 2 of this section, the court shall order  
12    that the offender be supervised by the board of probation and  
13    parole for the duration of his or her natural life.

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

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

26        4. In appropriate cases as determined by a risk assessment,  
27    the court may terminate the probation of an offender who is being  
28    supervised under this section when the offender is sixty-five

1 years of age or older.

2 566.010. As used in this chapter and chapter 568, RSMo, the  
3 following terms mean:

4 (1) "Deviate sexual intercourse", any act involving the  
5 genitals of one person and the hand, mouth, tongue, or anus of  
6 another person or a sexual act involving the penetration, however  
7 slight, of the male or female sex organ or the anus by a finger,  
8 instrument or object done for the purpose of arousing or  
9 gratifying the sexual desire of any person or for the purpose of  
10 terrorizing the victim;

11 (2) "Sexual conduct", sexual intercourse, deviate sexual  
12 intercourse or sexual contact;

13 (3) "Sexual contact", any touching of another person with  
14 the genitals or any touching of the genitals or anus of another  
15 person, or the breast of a female person, or such touching  
16 through the clothing, for the purpose of arousing or gratifying  
17 sexual desire of any person;

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

21 566.030. 1. A person commits the crime of forcible rape if  
22 such person has sexual intercourse with another person by the use  
23 of forcible compulsion. Forcible compulsion includes the use of  
24 a substance administered without a victim's knowledge or consent  
25 which renders the victim physically or mentally impaired so as to  
26 be incapable of making an informed consent to sexual intercourse.\_  
27 Any sexual intercourse with a child under the age of twelve shall  
28 be deemed to have been committed by use of forcible compulsion.

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

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

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

17 Subsection 4 of section 558.019, RSMo, shall not apply to the  
18 sentence of a person who has pleaded guilty to or has been found  
19 guilty of forcible rape when the victim is under the age of  
20 twelve, and "life imprisonment" shall mean imprisonment for the  
21 duration of a person's natural life for the purposes of this  
22 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           566.060. 1. A person commits the crime of forcible sodomy  
28 if such person has deviate sexual intercourse with another person

1 by the use of forcible compulsion. Forcible compulsion includes  
2 the use of a substance administered without a victim's knowledge  
3 or consent which renders the victim physically or mentally  
4 impaired so as to be incapable of making an informed consent to  
5 sexual intercourse. Any deviate sexual intercourse with a child  
6 under the age of twelve shall be deemed to have been committed by  
7 use of forcible compulsion.

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

11 (1) In the course thereof the actor inflicts serious  
12 physical injury or displays a deadly weapon or dangerous

13 instrument in a threatening manner or subjects the victim to  
14 sexual intercourse or deviate sexual intercourse with more than  
15 one person, in which case the authorized term of imprisonment is  
16 life imprisonment or a term of years not less than ten years; or

17 (2) The victim is a child less than twelve years of age, in  
18 which case the required term of imprisonment is life imprisonment  
19 without eligibility for probation or parole until the defendant  
20 has served not less than twenty-five years of such sentence or  
21 unless the defendant has reached the age of seventy-five years  
22 and has served at least fifteen years of such sentence.

23 Subsection 4 of section 558.019, RSMo, shall not apply to the  
24 sentence of a person who has pleaded guilty to or has been found  
25 guilty of forcible sodomy when the victim is under the age of  
26 twelve, and "life imprisonment" shall mean imprisonment for the  
27 duration of a person's natural life for the purposes of this  
28 section.



1       3. No person found guilty of or pleading guilty to forcible  
2 sodomy or an attempt to commit forcible sodomy shall be granted a  
3 suspended imposition of sentence or suspended execution of  
4 sentence.

5       566.067. 1. A person commits the crime of child  
6 molestation in the first degree if he or she subjects another  
7 person who is less than fourteen years of age to sexual contact.

8       2. Child molestation in the first degree is a class B  
9 felony unless:

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

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

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

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

26       566.083. 1. A person commits the crime of sexual  
27 misconduct involving a child if the person:

28       (1) Knowingly exposes his or her genitals to a child less

1 than fourteen years of age under circumstances in which he or she  
2 knows that his or her conduct is likely to cause affront or alarm  
3 to the child;

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

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

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

19 3. Violation of this section] The provisions of this  
20 section shall apply regardless of whether the person violates the  
21 section in person or via the Internet or other electronic means.

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

25 4. Sexual misconduct involving a child is a class D felony  
26 unless the actor has previously pleaded guilty to or been  
27 [convicted] found guilty of an offense pursuant to this chapter  
28 or the actor has previously pleaded guilty to or has been

1 convicted of an offense against the laws of another state or  
2 jurisdiction which would constitute an offense under this  
3 chapter, in which case it is a class C felony.

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

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

12 (2) A student teacher;

13 (3) An employee of the school;

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

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

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

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

24 566.090. 1. A person commits the crime of sexual  
25 misconduct in the first degree if he or she has deviate sexual  
26 intercourse with another person of the same sex [or he],  
27 purposely subjects another person to sexual contact without that  
28 person's consent, or knowingly exposes his or her genitals to

1 another person without consent for the purpose of sexual  
2 gratification.

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

9 566.145. 1. A person commits the crime of sexual contact  
10 with [an inmate] a prisoner or offender if:

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

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

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

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

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

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

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

1           566.147. 1. Any person who, since July 1, 1979, has been  
2 or hereafter has pleaded guilty or nolo contendere to, or been  
3 convicted of, or been found guilty of violating any of the  
4 provisions of this chapter or the provisions of [section 565.253,  
5 RSMo, invasion of privacy;] subsection 2 of section 568.020,  
6 RSMo, incest; section 568.045, RSMo, endangering the welfare of a  
7 child in the first degree; subsection 2 of section 568.080, RSMo,  
8 use of a child in a sexual performance; section 568.090, RSMo,  
9 promoting a sexual performance by a child; section 573.023, RSMo,  
10 sexual exploitation of a minor; section 573.025, RSMo, promoting  
11 child pornography in the first degree; section 573.035, RSMo,  
12 promoting child pornography in the second degree; section  
13 573.037, RSMo, possession of child pornography, or section  
14 573.040, RSMo, furnishing pornographic material to minors; shall  
15 not [establish residency] reside within one thousand feet of any  
16 public school as defined in section 160.011, RSMo, or any private  
17 school giving instruction in a grade or grades not higher than  
18 the twelfth grade, or child-care facility as defined in section  
19 210.201, RSMo, which is in existence at the time [such residency  
20 is established] the individual begins to reside at the location.

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

1 private school, or child-care facility and shall provide  
2 verifiable proof to the sheriff that he or she resided there  
3 prior to the opening of such public school, private school, or  
4 child-care facility.

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

8       4. Violation of the provisions of subsection 1 of this  
9 section is a class D felony except that the second or any  
10 subsequent violation is a class B felony. Violation of the  
11 provisions of subsection 2 of this section is a class A  
12 misdemeanor except that the second or subsequent violation is a  
13 class D felony.

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

1 present in the building, on the grounds, or in the conveyance,  
2 unless the offender is a parent, legal guardian, or custodian of  
3 a student present in the building and has met the conditions set  
4 forth in subsection 2 of this section.

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

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

27 566.151. 1. A person at least twenty-one years of age or  
28 older commits the crime of enticement of a child if that person

1 persuades, solicits, coaxes, entices, or lures whether by words,  
2 actions or through communication via the Internet or any  
3 electronic communication, any person who is less than fifteen  
4 years of age for the purpose of engaging in sexual conduct [with  
5 a child].

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

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

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

20 566.213. 1. A person commits the crime of sexual  
21 trafficking of a child under the age of twelve if the individual  
22 knowingly:

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

28 (2) Causes a person under the age of twelve to engage in a



1 commercial sex act.

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

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

15 568.020. 1. A person commits the crime of incest if he  
16 marries or purports to marry or engages in sexual intercourse or  
17 deviate sexual intercourse with a person he knows to be, without  
18 regard to legitimacy:

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

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

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

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

24 2. [For purposes of this section:

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

27 (2) "Deviate sexual intercourse" means any act of sexual  
28 gratification between persons not lawfully married to one

1 another, involving the genitals of one person and the mouth,  
2 tongue or anus of another.

3 3.] Incest is a class D felony.

4 568.060. 1. A person commits the crime of abuse of a child  
5 if such person[:

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

8 (2) Photographs or films a child less than eighteen years  
9 old engaging in a prohibited sexual act or in the simulation of  
10 such an act or who causes or knowingly permits a child to engage  
11 in a prohibited sexual act or in the simulation of such an act  
12 for the purpose of photographing or filming the act.

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

20 [3.] 2. Abuse of a child is a class C felony, unless:

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

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

28 [4. As used in this section, the word "fetishism" means a

1 condition in which erotic feelings are excited by an object or  
2 body part whose presence is psychologically necessary for sexual  
3 stimulation or gratification.]

4 575.159. 1. A person commits the crime of aiding a sexual  
5 offender if such person knows that another person is a convicted  
6 sexual offender who is required to register as a sexual offender  
7 and has reason to believe that such sexual offender is not  
8 complying, or has not complied with the requirements of sections  
9 589.400 to 589.425, RSMo, and who, with the intent to assist the  
10 sexual offender in eluding a law enforcement agency that is  
11 seeking to find the sexual offender to question the offender  
12 about, or to arrest the offender for, his or her noncompliance  
13 with the requirements of sections 589.400 to 589.425, RSMo:

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

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

20 (3) Conceals or attempts to conceal or assists another  
21 person in concealing or attempting to conceal the sexual  
22 offender; or

23 (4) Provides information to the law enforcement agency  
24 regarding the sexual offender which the person knows to be false  
25 information.

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

27 3. The provisions of this section do not apply if the  
28 sexual offender is incarcerated in or is in the custody of a

1 state correctional facility, a private correctional facility, a  
2 local jail, or a federal correctional facility.

3 575.195. 1. A person commits the crime of escape from  
4 commitment [or], detention, or conditional release if he or she  
5 has been committed to a state mental hospital under the  
6 provisions of sections 552.010 to 552.080, RSMo, or [of] sections  
7 632.480 to 632.513, RSMo, or has been ordered to be taken into  
8 custody, detained, or held pursuant to sections 632.480 to  
9 632.513, RSMo, or as provided by section 632.475, RSMo, has been  
10 committed to the department of mental health as a criminal sexual  
11 psychopath under statutes in effect before August 13, 1980, or  
12 has been granted a conditional release under the provisions of  
13 sections 552.010 to 552.080, RSMo, or sections 632.480 to  
14 632.513, RSMo, and he or she escapes from such commitment [or],  
15 detention, or conditional release.

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

18 589.400. 1. Sections 589.400 to 589.425 shall apply to:

19 (1) Any person who, since July 1, 1979, has been or is  
20 hereafter convicted of, been found guilty of, or pled guilty or  
21 nolo contendere to committing, or attempting to commit, a felony  
22 offense of chapter 566, RSMo, including sexual trafficking of a  
23 child and sexual trafficking of a child under the age of twelve,  
24 or any offense of chapter 566, RSMo, where the victim is a minor;  
25 or

26 (2) 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 one or

1 more of the following offenses: kidnapping[, pursuant to section  
2 565.110, RSMo] when the victim was a child and the defendant was  
3 not a parent or guardian of the child; felonious restraint when  
4 the victim was a child and the defendant is not a parent or  
5 guardian of the child; sexual contact or sexual intercourse with  
6 a resident of a nursing home, under section 565.200, RSMo;  
7 endangering the welfare of a child under section 568.045, RSMo,  
8 when the endangerment is sexual in nature; genital mutilation of  
9 a female child, under section 568.065, RSMo; promoting  
10 prostitution in the first degree; promoting prostitution in the  
11 second degree; promoting prostitution in the third degree; sexual  
12 exploitation of a minor; promoting child pornography in the first  
13 degree; promoting child pornography in the second degree;  
14 possession of child pornography; furnishing pornographic material  
15 to minors; public display of explicit sexual material; coercing  
16 acceptance of obscene material; promoting obscenity in the first  
17 degree; promoting pornography for minors or obscenity in the  
18 second degree; incest; [abuse of a child, pursuant to section  
19 568.060, RSMo;] use of a child in a sexual performance; or  
20 promoting sexual performance by a child; and committed or  
21 attempted to commit the offense against a victim who is a minor,  
22 defined for the purposes of sections 589.400 to 589.425 as a  
23 person under eighteen years of age; or

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

27 (4) Any person who, since July 1, 1979, has been found not  
28 guilty as a result of mental disease or defect of any offense

1 listed in subdivision (1) or (2) of this subsection; or

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

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

18 2. Any person to whom sections 589.400 to 589.425 apply  
19 shall, within ten days of conviction, release from incarceration,  
20 or placement upon probation, register with the chief law  
21 enforcement official of the county or city not within a county in  
22 which such person resides unless such person has already  
23 registered in that county for the same offense. Any person to  
24 whom sections 589.400 to 589.425 apply if not currently  
25 registered in their county of residence shall register with the  
26 chief law enforcement official of such county or city not within  
27 a county within ten days of August 28, 2003. The chief law  
28 enforcement official shall forward a copy of the registration

1 form required by section 589.407 to a city, town, village, or  
2 campus law enforcement agency located within the county of the  
3 chief law enforcement official, if so requested. Such request  
4 may ask the chief law enforcement official to forward copies of  
5 all registration forms filed with such official. The chief law  
6 enforcement official may forward a copy of such registration form  
7 to any city, town, village, or campus law enforcement agency, if  
8 so requested.

9 3. The registration requirements of sections 589.400  
10 through 589.425 are lifetime registration requirements unless:

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

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

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

18 (4) The registrant may petition the court for removal from  
19 the registry under subsection 7 of this section and the court  
20 orders the removal of such person from the registry.

21 4. For processing an initial sex offender registration the  
22 chief law enforcement officer of the county or city not within a  
23 county may charge the offender registering a fee of up to ten  
24 dollars.

25 5. For processing any change in registration required  
26 pursuant to section 589.414 the chief law enforcement official of  
27 the county or city not within a county may charge the person  
28 changing their registration a fee of five dollars for each change

1 made after the initial registration.

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

13 7. Effective August 28, 2006, any person currently on the  
14 sexual offender registry for having been convicted of, found  
15 guilty of, or having pleaded guilty or nolo contendere to,  
16 promoting prostitution in the second degree, promoting  
17 prostitution in the third degree, public display of explicit  
18 sexual material, statutory rape in the second degree, or any  
19 offense for which the person is required to register under this  
20 section if the person was less than twenty-one years of age and  
21 the victim was fourteen years of age or older at the time of the  
22 offense and no physical force or threat of physical force was  
23 used in the commission of the crime, may file a petition in the  
24 civil division of the circuit court in the county in which the  
25 offender was convicted or found guilty of or pled guilty or nolo  
26 contendere to the offense or offenses for the removal of his or  
27 her name from the sexual offender registry after ten years have  
28 passed from the date he or she was required to register. The



1 court may grant such relief if the registrant demonstrates to the  
2 court that he or she has complied with the provisions of this  
3 section and has no pending charges for an offense for which he or  
4 she would have to register if found guilty of, or pleaded guilty  
5 to, the offense. The prosecuting attorney in the circuit court  
6 which the petition is filed shall be given notice of the petition  
7 to present evidence in opposition to the requested relief or may  
8 otherwise demonstrate the reasons why the petition should be  
9 denied. If the petition is denied, the registrant shall wait at  
10 least twelve months before petitioning the court again. If the  
11 court finds that the petitioner is entitled to relief which  
12 removes the registrant's name from the registry, a certified copy  
13 of the written findings or order shall be forwarded by the court  
14 to the chief law enforcement officer having jurisdiction over the  
15 offender and to the Missouri state highway patrol in order to  
16 have the registrant's name removed from the registry.

17 8. Any nonresident worker or nonresident student shall  
18 register for the duration of such person's employment or  
19 attendance at any school of higher education and is not entitled  
20 to relief under the provisions of subsection 7 of this section.  
21 Any registered offender from another state who has a temporary  
22 residence in this state and resides more than fourteen days in a  
23 twelve-month period shall register for the duration of such  
24 person's temporary residency and is not entitled to the  
25 provisions of subsection 7 of this section.

26 9. Any person whose name is removed from the sexual  
27 offender registry under subsections 6 or 7 of this section shall  
28 no longer be required to fulfill the registration requirements of

1 sections 589.400 to 589.425, unless such person is required to  
2 register for committing another offense after being removed from  
3 the registry.

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

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

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

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

20 (2) The date of birth and any known alias dates of birth of  
21 the offender;

22 (3) A physical description of the offender;

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

26 [(3) A photograph] (5) Any photographs of the offender;  
27 [and

28 (4) The crime or crimes for which the offender was

convicted that caused him or her to have to register.]

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

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

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

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

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

589.403. Any person to whom subsection 1 of section 589.400 applies who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections or any mental health institution where such person was confined, shall be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall obtain the address where the person expects to reside upon discharge, parole or release, and shall report such address to the chief law enforcement

1 official of the county or city not within a county where the  
2 person expects to reside upon discharge, parole or release.

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

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

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

1 regarding such crime, the age and gender of the victim at the  
2 time of the offense and whether the person successfully completed  
3 the Missouri sexual offender program pursuant to section 589.040,  
4 if applicable; and

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

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

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

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

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

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

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

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

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

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

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

1 to section 589.407:

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

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

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

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

21 7. In addition to the requirements of subsections 1 and 2  
22 of this section, all Missouri registrants who work or attend  
23 school or training on a full-time or part-time basis in any other  
24 state shall be required to report in person to the chief law  
25 enforcement officer in the area of the state where they work or  
26 attend school or training and register in that state.  
27 "Part-time" in this subsection means for more than fourteen days  
28 in any twelve-month period.

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

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

23           2. A person commits the crime of failing to register as a  
24 sex offender as a second offense by failing to comply with any  
25 requirement of sections 589.400 to 589.425 and he or she has  
26 previously pled guilty to or has previously been found guilty of  
27 failing to register as a sex offender. Failing to register as a  
28 sex offender as a second offense is a class D felony unless the



1 person is required to register based on having committed an  
2 offense in chapter 566, RSMo, which was an unclassified felony, a  
3 class A or B felony, or a felony involving a child under the age  
4 of fourteen, in which case it is a class C felony.

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

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

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

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

28 600.042. 1. The director shall:

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

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

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

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

1 any person served by the state public defender system;

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

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

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

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

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

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

27 (11) With the approval and on behalf of the commission,  
28 contract with private attorneys for the collection and

1 enforcement of liens and other judgments owed to the state for  
2 services rendered by the state public defender system.

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

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

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

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

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

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

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

28 (5) For whom the federal constitution or the state

1 constitution requires the appointment of counsel; and

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

7 5. The director may:

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

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

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

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

19 (2) Has been in the custody of an agency with jurisdiction  
20 within the preceding ten years and may meet the criteria of a  
21 sexually violent predator;  
22 the attorney general may file a petition for detention and  
23 evaluation with the probate division of the court in which the  
24 person was convicted, or committed pursuant to chapter 552, RSMo,  
25 alleging the respondent may meet the definition of a sexually  
26 violent predator and should be detained for evaluation for a  
27 period of up to nine days. The written notice shall include the  
28 previous conviction record of the person, a description of the

1 recent overt act, if applicable, and any other evidence which  
2 tends to show the person to be a sexually violent predator. The  
3 attorney general shall provide notice of the petition to the  
4 prosecuting attorney of the county where the petition was filed.

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

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

28 4. If the department determines that the person may meet

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

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

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

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

1 person under the provisions of section 632.495.

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

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

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

14 3. At the probable cause hearing as provided in subsection  
15 2 of this section, the detained person shall have the following  
16 rights in addition to the rights previously specified:

17 (1) To be represented by counsel;

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

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

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

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



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

1 party requesting the evaluation.

2 632.495. 1. The court or jury shall determine whether,  
3 [beyond a reasonable doubt] by clear and convincing evidence, the  
4 person is a sexually violent predator. If such determination  
5 that the person is a sexually violent predator is made by a jury,  
6 such determination shall be by unanimous verdict of such jury.  
7 Any determination as to whether a person is a sexually violent  
8 predator may be appealed.

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

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

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

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

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

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

1 trial following a mistrial shall be held within ninety days of  
2 the previous trial, unless such subsequent trial is continued as  
3 provided in section 632.492.

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

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

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

27 4. The committed person shall have a right to have an  
28 attorney represent the person at the hearing but the person is

1 not entitled to be present at the hearing. If the court at the  
2 hearing determines by a preponderance of the evidence that the  
3 person no longer suffers from a mental abnormality that makes the  
4 person likely to engage in acts of sexual violence if  
5 [discharged] released, then the court shall set a [hearing] trial  
6 on the issue. [At the hearing, the]

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

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

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

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

26 (4) If the court or jury finds that the person's mental  
27 abnormality remains such that the person is not safe to be at  
28 large and if released is likely to engage in acts of sexual

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

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

28       632.504. Nothing in sections 632.480 to 632.513 shall

1 prohibit a person from filing a petition for [discharge] release  
2 pursuant to sections 632.480 to 632.513. However, if a person  
3 has previously filed a petition for [discharge] release without  
4 the director's [of the department of mental health] approval and  
5 the court determined either upon review of the petition or  
6 following a hearing, that the petitioner's petition was frivolous  
7 or that the petitioner's condition had not so changed that the  
8 person was safe to be at large, then the court shall deny the  
9 subsequent petition unless the petition contains facts upon which  
10 a court could find the condition of the petitioner had so changed  
11 that a hearing was warranted. Upon receipt of a first or  
12 subsequent petition from committed persons without the director's  
13 approval, the court shall endeavor whenever possible to review  
14 the petition and determine if the petition is based upon  
15 frivolous grounds and if so shall deny the petition without a  
16 hearing.

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

26 2. The department of mental health is authorized to enter  
27 into an interagency agreement with the department of corrections  
28 for the supervision of persons granted a conditional release by

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

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

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

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

20 (3) Obey all federal and state laws;

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

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

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



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

3       (8) Not leave the state without permission of the  
4       department of mental health;

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

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

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

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

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

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

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

21       (16) Take all psychiatric medications as prescribed by a  
22       treating physician;

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

28       (18) Pay fees to the department of mental health and the

department of corrections to cover the costs of services and monitoring;

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

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

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

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

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

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

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

(1) If any probation and parole officer has reasonable cause to believe that a person on conditional release has violated a condition of release or that the person is no longer a proper subject for conditional release, the officer may issue a warrant for the person's arrest. The warrant shall contain a

1 brief recitation of the facts supporting the officer's belief.  
2 The warrant shall direct any peace officer to take the person  
3 into custody immediately so that the person can be returned to a  
4 secure facility;

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

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

23 (4) No peace officer responsible for apprehending and  
24 returning the person to the facility upon the request of the  
25 director of the department of mental health or the director's  
26 designee or a probation and parole officer shall be civilly  
27 liable for apprehending or transporting such person to the  
28 facility so long as such duties were performed in good faith and

1 without negligence;

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

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

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

23 (8) A person whose conditional release has been revoked may  
24 petition the court for subsequent release pursuant to sections  
25 632.498, 632.501, and 632.504 no sooner than six months after the  
26 person's return to a secure facility.

27 8. The department of mental health may enter into  
28 agreements with the department of corrections and other

1 departments and may enter into contracts with private entities  
2 for the purpose of supervising a person on conditional release.

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

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

1 under section 575.195, RSMo.

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

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

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

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

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

15       (5) Of the filing of any petition or pending proceedings  
16 held pursuant to the provisions of sections 632.498 to [632.504]  
17 632.505;

18 (6) Of the escape of any person committed under sections  
19 632.480 to 632.513.

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

27 650.120. 1. Subject to appropriation, the department of  
28 public safety shall create a program to distribute grants to

multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating Internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, and to provide funding for the training of law enforcement personnel. The funding for such training may be used to cover the travel expenses of those persons participating.

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

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

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

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

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

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

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

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

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

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

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

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



1 programs.

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

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

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

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

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

16 Section B. Because of the need to protect Missouri citizens  
17 from sexual offenders, section A of this act is deemed necessary  
18 for the immediate preservation of the public health, welfare,  
19 peace and safety, and is hereby declared to be an emergency act  
20 within the meaning of the constitution, and section A of this act  
21 shall be in full force and effect upon its passage and approval.  
22