

CCS SS SCS HCS HB 1698, 1236, 995, 1362 & 1290 -- SEXUAL
OFFENDERS

This bill changes the laws regarding sexual offenders. In its main provisions, the bill:

- (1) Requires the State Highway Patrol to operate a toll-free telephone number to disseminate information regarding individuals registered as sexual offenders;
- (2) Requires sexual offenders to provide law enforcement officials the date of their birth; their physical description and that of their vehicles; nature and dates of the offenses requiring the offender to register; and the date on which the offender was released from the Department of Health and Senior Services, prison, or jail or placed on parole, supervised release, or probation;
- (3) Requires a licensed health care professional who delivers a baby or performs an abortion to report prima facie evidence of statutory rape or evidence that a patient was the victim of sexual abuse;
- (4) Establishes procedures for search warrants and subpoenas issued for records that are in the actual or constructive possession of a foreign corporation which provides electronic communication services, when those records would reveal the identity of the customers using the service;
- (5) Allows the Board of Probation and Parole to access information on the home computer of a registered sexual offender;
- (6) Expands the scope of defendants to whom bail is unavailable to include defendants who have pled guilty to or been found guilty of any sexual offense under Chapters 566, 568, or 573, RSMo, if the victim was younger than 17 years of age when the crime was committed. Currently, bail is not available to defendants under a sentence of death or imprisonment for life;
- (7) Adds child kidnaping to the list of dangerous felony offenses;
- (8) Increases the term of imprisonment for a persistent sexual offender from not less than 30 years to the duration of his or her natural life;
- (9) Specifies that consent is not an affirmative defense to any offense in Chapter 566 if the alleged victim is younger than 12 years of age;

(10) Increases the penalty from a minimum of five years' imprisonment to a minimum of 30 years for the crimes of forcible rape and forcible sodomy if the victim is younger than 12 years of age. No person found guilty of or pleading guilty to forcible rape, attempted forcible rape, forcible sodomy, or attempted forcible sodomy will be granted a suspended imposition of sentence or suspended execution of sentence;

(11) Creates the crimes of attempting to commit statutory rape and attempting to commit statutory sodomy;

(12) Requires that a person who commits child molestation in the first degree will be ineligible for probation or parole when the victim is younger than 12 years of age and the person has previously been convicted of a sexual offense, inflicts a serious injury, or displays a deadly weapon;

(13) Expands the crime of sexual contact with a student to include sexual contact with a student of a public school while on public school property by a student teacher, employee of the school, volunteer of the school or of an organization working with the school on a project or program, or a person employed by an entity that contracts with a public school district to provide services;

(14) Eliminates the act of having deviate sexual intercourse with a person of the same sex from the crime of sexual misconduct in the first degree;

(15) Expands the crime of sexual contact with a prisoner or offender to include a probation and parole officer who has sexual intercourse or deviate sexual intercourse with an offender who is under the direct supervision of the officer;

(16) Specifies that no sexual offender will be present or loiter within 500 feet of the real property of any school or in any conveyance owned, leased, or contracted by a school when children younger than 18 years of age are present unless the offender is a parent, legal guardian, or custodian of the child and has obtained permission from the school administration;

(17) Increases the penalty for the crimes of enticement of a child and attempting to commit enticement of a child to a term of imprisonment of no less than five years and no more than 30 years;

(18) Creates the crime of sexual trafficking of a child younger than 12 years of age, a felony punishable by imprisonment for life without eligibility for probation or parole until the defendant has served at least 25 years;

(19) Allows a court to order the dissolution or reorganization of the corporation; the suspension or revocation of any license or permit; or the surrender of its charter if it has been found guilty of or has pled guilty to certain sexual offenses;

(20) Creates the crime of promoting travel for prostitution, a class C felony;

(21) Prohibits travel agencies or charter tour operators from selling, advertising, or offering to sell travel services or tourism packages or from participating in activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution. Violation of this provision will result in the revocation of the articles of incorporation of the agency or operator;

(22) Creates the crime of aiding a sexual offender, a class D felony;

(23) Removes from the sexual offender registry any person found guilty of or who pled guilty or nolo contendere to nonsexual child abuse or felonious restraint or kidnaping when the victim was a child and he or she was the parent or guardian of the child;

(24) Allows any person to petition the court for the removal of his or her name from the sexual offender registry after 10 years from the date he or she was required to register when he or she was found guilty of or pled guilty or nolo contendere to promoting prostitution in the second or third degree, committing a public display of sexual material, or committing statutory rape in the second degree and no physical force or threat of physical force was used in the commission of the crime;

(25) Allows any person to petition the court for the removal of his or her name from the sexual offender registry after two years from when the person was found guilty or pled guilty or nolo contendere to a sexual offense and was 19 years of age or younger and the victim was 13 years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the crime;

(26) Requires a person seeking removal from the sexual offender registry to notify the prosecuting attorney in the circuit court in which the petition is filed. Failure to notify the prosecuting attorney will result in an automatic denial of the person's petition. If the petition is denied by the judge, the person must wait at least 12 months before petitioning the court again;

(27) Requires each sexual offender registrant to report semi-annually and provide an updated photograph of himself or herself in the month of his or her birth to the chief law enforcement agency in the county of his or her residence;

(28) Specifies that a person who commits the crime of failing to register or failing to comply with the registration requirements will be guilty of a class A misdemeanor. A second offense will be a class D felony, and a third offense will be punishable by a term of imprisonment of not less than 10 years and not more than 30 years;

(29) Allows the court to conditionally release a person civilly committed as a sexually violent predator if that person's mental abnormality has changed so that the person is not likely to commit acts of sexual violence if released;

(30) Establishes a panel which will create a program to award grants to multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies for the salaries of newly hired detectives and computer forensic personnel who investigate Internet sex crimes against children. The panel will include the Director of the Department of Public Safety, two members appointed by the director from a list of nominees submitted by the Missouri Police Chiefs Association, two members appointed by the director from a list of nominees submitted by the Missouri Sheriffs' Association, two members of the State Highway Patrol appointed by the director from a list of nominees submitted by the Missouri State Troopers Association, one member of the House of Representatives appointed by the Speaker, and one member of the Senate appointed by the President Pro Tem. This provision will expire six years from the effective date; and

(31) Requires the Department of Corrections to notify the State Highway Patrol of any offender who is required to be electronically monitored.

The bill contains an emergency clause, except for subsections 3, 6, 7, 8, 9, and 11 of Section 589.400 which have an August 28, 2006 effective date.