

FIRST REGULAR SESSION

HOUSE BILL NO. 1241

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2724L.01I

AN ACT

To repeal section 589.400, RSMo, and to enact in lieu thereof one new section relating to sexual offender registration.

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

Section A. Section 589.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 589.400, to read as follows:

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

(1) Any person who, since July 1, 1979, has been or is hereafter **adjudicated as a juvenile for**, convicted of, been found guilty of, or pled guilty or nolo contendere to committing, or attempting to commit, a felony offense of chapter 566, RSMo, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566, RSMo, where the victim is a minor; or

(2) Any person who, since July 1, 1979, has been or is hereafter **adjudicated as a juvenile for**, convicted of, been found guilty of, or pled guilty or nolo contendere to committing, or attempting to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200, RSMo; endangering the welfare of a child under section 568.045, RSMo, when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065, RSMo; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 degree; sexual exploitation of a minor; promoting child pornography in the first degree;
17 promoting child pornography in the second degree; possession of child pornography; furnishing
18 pornographic material to minors; public display of explicit sexual material; coercing acceptance
19 of obscene material; promoting obscenity in the first degree; promoting pornography for minors
20 or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting
21 sexual performance by a child; and committed or attempted to commit the offense against a
22 victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under
23 eighteen years of age; or

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

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

28 (5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
29 **adjudicated as a juvenile for**, convicted of, been found guilty of, or pled guilty to or nolo
30 contendere in any other state, foreign country, or under federal or military jurisdiction to
31 committing, or attempting to commit, an offense which, if committed in this state, would be a
32 violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of
33 this subsection or has been or is required to register in another state or has been or is required to
34 register under federal or military law; or

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

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

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

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

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

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

57 (4) The registrant may petition the court for removal from the registry under subsection
58 7 or 8 of this section and the court orders the removal of such person from the registry.

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

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

65 6. Effective August 28, 2006, any person currently on the sexual offender registry for
66 being convicted of, found guilty of, or pleading guilty or nolo contendere to committing
67 felonious restraint when the victim was a child and he or she was the parent or guardian of the
68 child, nonsexual child abuse that was committed under section 568.060, RSMo, or kidnapping
69 when the victim was a child and he or she was the parent or guardian of the child shall be
70 removed from the registry. However, such person shall remain on the sexual offender registry
71 for any other offense for which he or she is required to register under sections 589.400 to
72 589.425.

73 7. Effective August 28, 2006, any person currently on the sexual offender registry for
74 having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to
75 promoting prostitution in the second degree, promoting prostitution in the third degree, public
76 display of explicit sexual material, statutory rape in the second degree, and no physical force or
77 threat of physical force was used in the commission of the crime, may file a petition in the civil
78 division of the circuit court in the county in which the offender was convicted or found guilty
79 of or pled guilty or nolo contendere to the offense or offenses for the removal of his or her name
80 from the sexual offender registry after ten years have passed from the date he or she was required
81 to register.

82 8. Effective August 28, 2006, any person on the sexual offender registry for having been
83 convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included
84 under subsection 1 of this section may file a petition after two years have passed from the date
85 the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or
86 offenses in the civil division of the circuit court in the county in which the offender was

87 convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
88 removal of his or her name from the registry if such person was nineteen years of age or younger
89 and the victim was thirteen years of age or older at the time of the offense and no physical force
90 or threat of physical force was used in the commission of the offense.

91 9. (1) The court may grant such relief under subsection 7 or 8 of this section if such
92 person demonstrates to the court that he or she has complied with the provisions of this section
93 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
94 court in which the petition is filed must be given notice, by the person seeking removal from the
95 registry, of the petition to present evidence in opposition to the requested relief or may otherwise
96 demonstrate the reasons why the petition should be denied. Failure of the person seeking
97 removal from the registry to notify the prosecuting attorney of the petition shall result in an
98 automatic denial of such person's petition. If the prosecuting attorney is notified of the petition
99 he or she shall make reasonable efforts to notify the victim of the crime for which the person was
100 required to register of the petition and the dates and times of any hearings or other proceedings
101 in connection with that petition.

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

108 10. Any nonresident worker or nonresident student shall register for the duration of such
109 person's employment or attendance at any school of higher education and is not entitled to relief
110 under the provisions of subsection 9 of this section. Any registered offender from another state
111 who has a temporary residence in this state and resides more than fourteen days in a
112 twelve-month period shall register for the duration of such person's temporary residency and is
113 not entitled to the provisions of subsection 9 of this section.

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

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