

SECOND REGULAR SESSION

HOUSE BILL NO. 1396

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), RUESTMAN, FISHER, BRUNS,
McGHEE, COX, KRAUS, SCHAD, BROWN (30) AND YATES (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

3190L.01I

AN ACT

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

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

Section A. Sections 302.181, 589.400, 589.410, and 589.417, RSMo, are repealed and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

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

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.

14 **the driver's license, nondriver's license, or driver's permit if the licensee or permittee is a**
15 **registered sex offender under section 589.400, RSMo, whose name appears on the sex**
16 **offender list supplied to the department of revenue by the Missouri state highway patrol**
17 **under section 589.410, RSMo. The director shall, within three months of receipt of the**
18 **initial list and within three months of receipt of any updated list, issue a new driver's**
19 **license, nondriver's license, or driver's permit to any person who currently holds a valid**
20 **license or permit and whose name appears on the list of registered sexual offenders**
21 **supplied to the department by the Missouri state highway patrol. Any person who receives**
22 **a new license or permit under the provisions of this subsection shall pay the appropriate**
23 **license or permit fees for such license or permit.** The director shall provide by administrative
24 rule **the details of how such unique code or identifier will appear on the face of a driver's**
25 **license, nondriver's license, or driver's permit issued to a registered sex offender and the**
26 procedure and format for a licensee to indicate on the back of the license together with the
27 designation for an anatomical gift as provided in section 194.240, RSMo, the name and address
28 of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's
29 attorney in fact for the purposes of a durable power of attorney for health care decisions. No
30 license shall be valid until it has been so signed by the licensee. If any portion of the license is
31 prepared by a private firm, any contract with such firm shall be made in accordance with the
32 competitive purchasing procedures as established by the state director of the division of
33 purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social
34 Security number shall serve as the applicant's license number. Where the licensee has no Social
35 Security number, or where the licensee is issued a license without a Social Security number in
36 accordance with subsection 4 of this section, the director shall issue a license number for the
37 licensee and such number shall also include an indicator showing that the number is not a Social
38 Security number.

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

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

47 4. The director of revenue shall issue a commercial or noncommercial driver's license
48 without a Social Security number to an applicant therefor, who is otherwise qualified to be
49 licensed, upon presentation to the director of a certified statement that the applicant objects to

50 the display of the Social Security number on the license. The director shall assign an
51 identification number, that is not based on a Social Security number, to the applicant which shall
52 be displayed on the license in lieu of the Social Security number.

53 5. The director of revenue shall issue a license without the photograph to an applicant
54 therefor, who is otherwise qualified to be licensed, upon presentation to the director of a
55 statement on forms prescribed and made available by the department of revenue which states that
56 the applicant is a member of a specified religious denomination which prohibits photographs of
57 members as being contrary to its religious tenets. The license shall state thereon that no
58 photograph is required because of the religious affiliation of the licensee. The director of
59 revenue shall establish guidelines and furnish to each circuit court such forms as the director
60 deems necessary to comply with this subsection. The circuit court shall not charge or receive any
61 fee or court cost for the performance of any duty or act pursuant to this subsection.

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

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

75 8. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall
76 become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.

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

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

7 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
8 guilty of, or pled guilty or nolo contendere to committing, or attempting to commit one or more
9 of the following offenses: kidnapping when the victim was a child and the defendant was not a

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

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

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

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

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

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

46 request may ask the chief law enforcement official to forward copies of all registration forms
47 filed with such official. The chief law enforcement official may forward a copy of such
48 registration form to any city, town, village, or campus law enforcement agency, if so requested.

49 3. The registration requirements of sections 589.400 through 589.425 are lifetime
50 registration requirements unless:

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

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

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

55 (4) The registrant may petition the court for removal from the registry under subsection
56 7 or 8 of this section and the court orders the removal of such person from the registry.

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

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

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

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

80 8. Effective August 28, 2006, any person on the sexual offender registry for having been
81 convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included

82 under subsection 1 of this section may file a petition after two years have passed from the date
83 the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or
84 offenses in the civil division of the circuit court in the county in which the offender was
85 convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
86 removal of his or her name from the registry if such person was nineteen years of age or younger
87 and the victim was thirteen years of age or older at the time of the offense and no physical force
88 or threat of physical force was used in the commission of the offense.

89 9. (1) The court may grant such relief under subsection 7 or 8 of this section if such
90 person demonstrates to the court that he or she has complied with the provisions of this section
91 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
92 court in which the petition is filed must be given notice, by the person seeking removal from the
93 registry, of the petition to present evidence in opposition to the requested relief or may otherwise
94 demonstrate the reasons why the petition should be denied. Failure of the person seeking
95 removal from the registry to notify the prosecuting attorney of the petition shall result in an
96 automatic denial of such person's petition. If the prosecuting attorney is notified of the petition
97 he or she shall make reasonable efforts to notify the victim of the crime for which the person was
98 required to register of the petition and the dates and times of any hearings or other proceedings
99 in connection with that petition.

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

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

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

116 **12. Any individual who is required to be registered under the provisions of this**
117 **section and who possesses a driver's license, nondriver's license, or driver's permit issued**

118 **under chapter 302, RSMo, shall, as a condition of probation or parole, obtain such license**
119 **or permit with an unique code or identifier as required under section 302.181, RSMo.**

589.410. The chief law enforcement official shall forward the completed offender
2 registration form to the Missouri state highway patrol within three days. The patrol shall enter
3 the information into the Missouri uniform law enforcement system (MULES) where it is
4 available to members of the criminal justice system, and other entities as provided by law, upon
5 inquiry. **Beginning January 1, 2009, the patrol shall also compile a list of all registered sex**
6 **offenders which includes the offender's full name, address, and Social Security number**
7 **and shall provide such list to the department of revenue. Thereafter the patrol shall**
8 **update such list on a quarterly basis and shall provide such updates to the department of**
9 **revenue.**

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

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

10 3. **Notwithstanding any other provision of law, beginning January 1, 2009, the**
11 **Missouri state highway patrol shall provide a list which includes the full name, address,**
12 **and Social Security number of the registered sex offenders to the department of revenue.**
13 **The Missouri state highway patrol shall update this list on a quarterly basis and shall**
14 **provide the updates to the department of revenue on a quarterly basis.**

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