

SECOND REGULAR SESSION

HOUSE BILL NO. 2073

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GRISAMORE (Sponsor), PRATT, TILLEY, MOORE, YATES, SCHARNHORST, KRAUS, WILSON (119), HUGHES, SATER, WRIGHT, MCGHEE, ONDER, FISHER, RUESTMAN, SCHIEFFER AND STREAM (Co-sponsors).

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4714L.01I

AN ACT

To repeal sections 43.650, 589.402, and 589.407, RSMo, and to enact in lieu thereof four new sections relating to sex offender information.

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

Section A. Sections 43.650, 589.402, and 589.407, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 43.650, 43.651, 589.402, and 589.407,
3 to read as follows:

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

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

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

11 4. Only the information listed in this subsection shall be provided to the public in the
12 registered sexual offender search:

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.

- 13 (1) The name and any known aliases of the offender;
- 14 (2) The date of birth and any known alias dates of birth of the offender;
- 15 (3) A physical description of the offender;
- 16 (4) The residence, temporary, work, and school addresses of the offender, including the
- 17 street address, city, county, state, and zip code;
- 18 (5) Any photographs of the offender;
- 19 (6) A physical description of the offender's vehicles, including the year, make, model,
- 20 color, and license plate number;
- 21 (7) The nature and dates of all offenses qualifying the offender to register;
- 22 (8) The date on which the offender was released from the department of mental health,
- 23 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying
- 24 the offender to register; [and]
- 25 (9) Compliance status of the offender with the provisions of section 589.400 to 589.425,
- 26 RSMo; and
- 27 **(10) Any online identifiers, as defined in section 43.651, used by the person. Such**
- 28 **online identifiers shall not be included in the general profile of an offender on the web page**
- 29 **and shall only be available to a member of the public by a search using the specific online**
- 30 **identifier to determine if a match exists with a registered offender.**

43.651. 1. As used in this section, the following terms shall mean:

- 2 **(1) "Electronic mail", the transmission of information or communication by the use**
- 3 **of the Internet, a computer, a facsimile machine, a pager, a cellular telephone or other**
- 4 **wireless communication device, a video recorder, or other electronic means sent to a person**
- 5 **identified by a unique address or address number and received by that person;**
- 6 **(2) "Entity", a business or organization that provides Internet service, electronic**
- 7 **communications service, remote computing service, online service, electronic mail service,**
- 8 **or electronic instant message or chat services whether the business or organization is**
- 9 **within or outside this state;**
- 10 **(3) "Instant message or IM", a form of real time text communication between two**
- 11 **or more people. The communication is conveyed via computers connected over a network**
- 12 **such as the Internet, or between cell phone or wireless communication device users, or over**
- 13 **a cell phone or wireless communication device network;**
- 14 **(4) "Online identifier", includes all of the following: electronic mail address and**
- 15 **instant message screen name, user ID, cell phone number or wireless communication device**
- 16 **number or identifier, chat or other Internet communication name, or other identity**
- 17 **information.**

18 **2. Subject to appropriations, the patrol shall make registry information regarding**
19 **a registered sexual offender's online identifiers available to an entity for the purpose of**
20 **allowing the entity to prescreen users or for comparison with information held by the**
21 **entity as provided by this subsection.**

22 **(1) The information obtained by an entity from the state sexual offender registry**
23 **shall not be used for any purpose other than for prescreening its users or comparing the**
24 **database of registered users of the entity against the list of online identifiers of persons in**
25 **the state sexual offender registry in order to protect children from online sexual predators.**
26 **The patrol shall promulgate rules and regulations regarding the release and use of online**
27 **identifier information. Any rule or portion of a rule, as that term is defined in section**
28 **536.010, RSMo, that is created under the authority delegated in this section shall become**
29 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
30 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
31 **nonseverable and if any of the powers vested with the general assembly pursuant to**
32 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
33 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
34 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

35 **(2) Any entity desiring to prescreen its users or compare its database of registered**
36 **users to the list of online identifiers of persons in the state sexual offender registry may**
37 **apply to the patrol to access the information. An entity that complies with the rules and**
38 **regulations promulgated by the patrol regarding the release and use of the online identifier**
39 **information and pays the fee established by the patrol may screen new users or compare**
40 **its database of registered users to the list of online identifiers of persons in the state sexual**
41 **offender registry as frequently as the patrol may allow for the purpose of identifying a**
42 **registered user associated with an online identifier contained in the state sexual offender**
43 **registry.**

44 **(3) Any entity complying with this subsection in good faith shall be immune from**
45 **any civil or criminal liability resulting from:**

46 **(a) The entity's refusal to provide system service to a person on the basis that the**
47 **entity believed that the person was required to register under sections 589.400 to 589.425,**
48 **RSMo;**

49 **(b) A person's criminal or tortious acts when the person is required to register**
50 **pursuant to sections 589.400 to 589.425, RSMo, and the person complied with the**
51 **requirement to register their online identifiers under section 589.407, RSMo, and**
52 **committed the criminal or tortious acts against a minor with whom he or she had**
53 **communicated on the entity's system by using their registered online identifier; or**

54 (c) **Any activity for which the entity would be immune from liability under 47**
55 **U.S.C. Section 230.**

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

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

9 3. Only the information listed in this subsection shall be provided to the public in the
10 registered sexual offender search:

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

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

13 (3) A physical description of the offender;

14 (4) The residence, temporary, work, and school addresses of the offender, including the
15 street address, city, county, state, and zip code;

16 (5) Any photographs of the offender;

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

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

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

23 (9) Compliance status of the offender with the provisions of sections 589.400 to
24 589.425; **and**

25 **(10) Any online identifiers, as defined in section 43.651, RSMo, used by the person.**
26 **Such online identifiers shall not be included in the general profile of an offender on the**
27 **web page and shall only be available to a member of the public by a search using the**
28 **specific online identifier to determine if a match exists with a registered offender.**

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

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

4 (1) A statement in writing signed by the person, giving the name, address, Social
5 Security number and phone number of the person, the license plate number and vehicle
6 description, including the year, make, model, and color of each vehicle owned or operated by the
7 offender, **any online identifiers, as defined in section 43.651, RSMo, used by the person**, the
8 place of employment of such person, enrollment within any institutions of higher education, the
9 crime which requires registration, whether the person was sentenced as a persistent or predatory
10 offender pursuant to section 558.018, RSMo, the date, place, and a brief description of such
11 crime, the date and place of the conviction or plea regarding such crime, the age and gender of
12 the victim at the time of the offense and whether the person successfully completed the Missouri
13 sexual offender program pursuant to section 589.040, if applicable; and

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

15 2. The offender shall provide positive identification and documentation to substantiate
16 the accuracy of the information completed on the offender registration form, including but not
17 limited to the following:

18 (1) A photocopy of a valid driver's license or nondriver's identification card;

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

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

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