

SECOND REGULAR SESSION

HOUSE BILL NO. 2287

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor),
NASHEED AND DARROUGH (Co-sponsors).

Read 1st time February 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5182L.03I

AN ACT

To repeal sections 566.147 and 566.149, RSMo, and to enact in lieu thereof two new sections relating to sex offenders in public city or municipal parks, with penalty provisions.

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

Section A. Sections 566.147 and 566.149, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 566.147 and 566.149, to read as follows:

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

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 2. If such person has already established a residence and a public school, a private
15 school, [or] child-care facility, **or public city or municipal park** is subsequently built or placed
16 within one thousand feet of such person's residence, then such person shall, within one week of
17 the opening of such public school, private school, [or] child-care facility, **or public city or**
18 **municipal park** notify the county sheriff where such public school, private school, [or]
19 child-care facility, **or public city or municipal park** is located that he or she is now residing
20 within one thousand feet of such public school, private school, [or] child-care facility, **or public**
21 **city or municipal park** and shall provide verifiable proof to the sheriff that he or she resided
22 there prior to the opening of such public school, private school, [or] child-care facility, **or public**
23 **city or municipal park**.

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

26 4. Violation of the provisions of subsection 1 of this section is a class D felony except
27 that the second or any subsequent violation is a class B felony. Violation of the provisions of
28 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
29 violation is a class D felony.

566.149. 1. Any person who has pleaded guilty or nolo contendere to, or been convicted
2 of, or been found guilty of violating any of the provisions of this chapter or the provisions of
3 subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare
4 of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual
5 performance; section 568.090, RSMo, promoting a sexual performance by a child; section
6 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child
7 pornography; **section 573.035, RSMo, promoting child pornography in the first degree;**
8 **section 573.037, RSMo, possession of child pornography;** or section 573.040, RSMo,
9 furnishing pornographic material to minors; shall not be present in or loiter within five hundred
10 feet of:

11 (1) Any **public city or municipal park; or**

12 (2) Any school building, on real property comprising any school, or in any conveyance
13 owned, leased, or contracted by a school to transport students to or from school or a
14 school-related activity when persons under the age of eighteen are present in the building, on the
15 grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a
16 student present in the building and has met the conditions set forth in subsection 2 of this section.

17 2. No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to,
18 or been convicted of, or been found guilty of violating any of the offenses listed in subsection
19 1 of this section shall be present in:

20 (1) Any public city or municipal park, unless the parent, legal guardian, or
21 custodian has permission to be present from the city or municipal official responsible for
22 such city or municipal park; or

23 (2) Any school building, on real property comprising any school, or in any conveyance
24 owned, leased, or contracted by a school to transport students to or from school or a
25 school-related activity when persons under the age of eighteen are present in the building, on the
26 grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to
27 be present from the superintendent or school board or in the case of a private school from the
28 principal. In the case of a public school, if permission is granted, the superintendent or school
29 board president must inform the principal of the school where the sex offender will be present.
30 Permission may be granted by the superintendent, school board, or in the case of a private school
31 from the principal for more than one event at a time, such as a series of events, however, the
32 parent, legal guardian, or custodian must obtain permission for any other event he or she wishes
33 to attend for which he or she has not yet had permission granted.

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

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