

SECOND REGULAR SESSION

HOUSE BILL NO. 2563

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), MCGHEE, PAGE, DARROUGH,
YATES AND FLOOK (Co-sponsors).

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5612L.02I

AN ACT

To repeal sections 43.650, 589.402, 589.407, 589.414, and 589.417, RSMo, and to enact in lieu thereof nine new sections relating to sexual offenders.

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

Section A. Sections 43.650, 589.402, 589.407, 589.414, and 589.417, RSMo, are
2 repealed and nine new sections enacted in lieu thereof, to be known as sections 43.650, 43.652,
3 217.737, 566.143, 589.401, 589.402, 589.407, 589.414, and 589.417, 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, **Internet identifiers as defined in section 43.651**, and by typing
10 in an address and specifying a search within a certain 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:

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

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) 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) **Any Internet identifiers, as defined in section 43.651, that the offender uses; and**
26 (10) Compliance status of the offender with the provisions of section 589.400 to
27 589.425, RSMo.

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

- 2 (1) **"Authorized Internet entity", any business, organization or other entity**
3 **providing or offering a service over the Internet which permits persons under eighteen**
4 **years of age to access, meet, congregate, or communicate with other users for the purpose**
5 **of social networking. Authorized Internet entity does not include general electronic mail**
6 **services;**
7 (2) **"Electronic mail", the transmission of information or communication by the use**
8 **of the Internet, a computer, a facsimile machine, a pager, a cellular telephone or other**
9 **wireless communication device, a video recorder, or other electronic means sent to a person**
10 **identified by a unique address or address number and received by such person;**
11 (3) **"Instant messaging", a form of real time text communication between two or**
12 **more people. The communication is conveyed via computers connected over a network**
13 **such as the Internet, or between cell phone or wireless communication device users, or over**
14 **a cell phone or wireless communication device network;**
15 (4) **"Internet identifier", electronic mail addresses and designations used for the**
16 **purposes of chat, instant messaging, social networking, or other similar Internet**
17 **communication.**
18 **2. The state highway patrol shall, upon the request of any authorized Internet**
19 **entity, release to an authorized Internet entity Internet identifiers that would enable such**
20 **entity to prescreen or remove sex offenders from its services, or, in conformity with state**
21 **and federal law, advise law enforcement or other governmental entities of potential**
22 **violations of law or threats to public safety.**

23 **3. Before releasing any information, the patrol shall require an authorized Internet**
24 **entity that requests information from the sexual offender registry to submit to the patrol**
25 **the name, address, and telephone number of such entity and the specific legal nature and**
26 **corporate status of such entity.**

27 **4. Except for the purposes specified in this section, an authorized Internet entity**
28 **shall not publish or in any way disclose or redisclose any information provided to it by the**
29 **patrol under this section.**

30 **5. The patrol may charge an authorized Internet entity a fee for access to registered**
31 **Internet identifiers requested by such entity under this section. The patrol shall**
32 **promulgate rules and regulations relating to procedures for the release of information in**
33 **the sexual offender registry to such entities, including but not limited to the disclosure and**
34 **redisclosure of such information, and the imposition of any fees.**

217.737. Notwithstanding any other provision of law to the contrary, where a
2 **person is serving a sentence for an offense for which registration as a sex offender is**
3 **required and the victim of such offense was under the age of eighteen at the time of such**
4 **offense or the Internet was used to facilitate the commission of the crime and such person**
5 **is released on parole or conditionally released, the board shall require, as mandatory**
6 **conditions of such release, that such sentenced offender shall be prohibited from using the**
7 **Internet to access pornographic material, access a commercial social networking web site,**
8 **communicate with other individuals or groups for the purpose of promoting sexual**
9 **relations with persons under the age of eighteen, and communicate with a person under**
10 **the age of eighteen when such offender is over the age of eighteen; provided that, the board**
11 **may permit an offender to use the Internet to communicate with a person under the age**
12 **of eighteen when such offender is the parent of a minor child and is not otherwise**
13 **prohibited from communicating with such child. Nothing in this section shall be construed**
14 **as restricting any other lawful condition of supervision that may be imposed on such**
15 **sentenced offender. As used in this section a "commercial social networking web site"**
16 **means any business, organization or other entity operating a web site that permits persons**
17 **under eighteen years of age to be registered users for the purpose of establishing personal**
18 **relationships with other users, where such persons under eighteen years of age may:**

19 **(1) Create web pages or profiles that provide information about themselves where**
20 **such web pages or profiles are available to the public or to other users;**

21 **(2) Engage in direct or real time communication with other users, such as a chat**
22 **room or instant messenger; and**

23 **(3) Communicate with persons over eighteen years of age;**
24

25 provided, however, that for purposes of this section, a commercial social networking web
26 site shall not include a web site that permits users to engage in such other activities as are
27 not enumerated herein.

566.143. 1. Any person who is convicted of or pleads guilty or nolo contendere to
2 any sexual offense, where the victim of such offense was under the age of eighteen at the
3 time of such offense or the Internet was used to facilitate the commission of the crime, shall
4 be prohibited, as a mandatory condition of a sentence of probation, from using the Internet
5 to access pornographic material, to access a commercial social networking web site, to
6 communicate with other individuals or groups for the purpose of promoting sexual
7 relations with persons under the age of eighteen, or to communicate with a person under
8 the age of eighteen when the offender is over the age of eighteen; provided that, the court
9 may permit an offender to use the Internet to communicate with a person under the age
10 of eighteen when the offender is the parent of a minor child and is not otherwise prohibited
11 from communicating with such child. Nothing in this subsection shall be construed as
12 restricting any other lawful condition of supervision that may be imposed on such a
13 sentenced offender. As used in this subsection, a "commercial social networking web site"
14 means any business, organization, or other entity operating a web site that permits persons
15 under eighteen years of age to be registered users for the purpose of establishing personal
16 relationships with other users, where such persons under eighteen years of age may:

17 (1) Create web pages or profiles that provide information about themselves where
18 such web pages or profiles are available to the public or to other users;

19 (2) Engage in direct or real time communication with other users, such as a chat
20 room or instant messenger; and

21 (3) Communicate with persons over eighteen years of age;

22

23 provided, however, that for purposes of this subsection, a commercial social networking
24 web site shall not include a web site that permits users to engage in such other activities as
25 are not enumerated herein.

26 2. In addition to the conditions required by subsection 1 of this section, the court
27 may require that such an offender comply with any reasonable limitation on the offender's
28 use of the Internet that the court determines to be necessary to ameliorate the conduct
29 which gave rise to the offense or to protect public safety; provided that the court shall not
30 prohibit such sentenced offender from using the Internet in connection with education,
31 lawful employment, or search for lawful employment.

589.401. As used in sections 589.400 to 589.425, the following terms mean:

(1) "Electronic mail", the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone or other wireless communication device, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person;

(2) "Instant messaging", a form of real time text communication between two or more people. The communication is conveyed via computers connected over a network such as the Internet, or between cell phone or wireless communication device users, or over a cell phone or wireless communication device network;

(3) "Internet access provider", any business, organization, or other entity engaged in the business of providing a computer and communications facility through which a customer may obtain access to the Internet, but does not include a business, organization, or other entity to the extent that it provides only telecommunications services;

(4) "Internet identifiers", electronic mail addresses and designations used for the purposes of chat, instant messaging, social networking, or other similar Internet communication.

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

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

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

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

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

(3) A physical description of the offender;

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

(5) Any photographs of the offender;

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

(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) **Any Internet identifiers that the offender uses; and**

24 (10) Compliance status of the offender with the provisions of sections 589.400 to
25 589.425.

26 4. The chief law enforcement officer of any county or city not within a county may
27 publish in any newspaper distributed in the county or city not within a county the sexual offender
28 information provided under subsection 3 of this section for any offender residing in the county
29 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, the place of employment of such person, enrollment within any institutions of higher
8 education, the crime which requires registration, whether the person was sentenced as a
9 persistent or predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief
10 description of such crime, the date and place of the conviction or plea regarding such crime, the
11 age and gender of the victim at the time of the offense and whether the person successfully
12 completed the Missouri sexual offender program pursuant to section 589.040, if applicable; [and]

13 (2) The fingerprints and a photograph of the person; **and**

14 (3) **Any Internet accounts with Internet access providers belonging to such offender**
15 **and any Internet identifiers that such offender uses.**

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

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

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

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

589.414. 1. If any person required by sections 589.400 to 589.425 to register changes
2 residence or address within the same county or city not within a county as such person's previous
3 address, the person shall inform the chief law enforcement official in writing within ten days of
4 such new address and phone number, if the phone number is also changed.

5 2. If any person required by sections 589.400 to 589.425 to register changes such
6 person's residence or address to a different county, the person shall appear in person and shall
7 inform both the chief law enforcement official with whom the person last registered and the chief
8 law enforcement official of the county or city not within a county having jurisdiction over the
9 new residence or address in writing within ten days of such new address and phone number, if
10 the phone number is also changed. If any person required by sections 589.400 to 589.425 to
11 register changes their state of residence, the person shall appear in person and shall inform both
12 the chief law enforcement official with whom the person was last registered and the chief law
13 enforcement official of the area in the new state having jurisdiction over the new residence or
14 address within ten days of such new address. Whenever a registrant changes residence, the chief
15 law enforcement official of the county or city not within a county where the person was
16 previously registered shall promptly inform the Missouri state highway patrol of the change.
17 When the registrant is changing the residence to a new state, the Missouri state highway patrol
18 shall promptly inform the responsible official in the new state of residence.

19 3. Any person required by sections 589.400 to 589.425 to register who changes his or
20 her enrollment or employment status with any institution of higher education within this state,
21 by either beginning or ending such enrollment or employment, shall inform the chief law
22 enforcement officer of such change within seven days after such change is made.

23 4. **Any person required by sections 589.400 to 589.425 to register shall inform the**
24 **chief law enforcement officer of any change in his or her Internet accounts with Internet**
25 **access providers belonging to the offender or Internet identifiers that such offender uses**
26 **within ten days after such change is made.**

27 5. Any person required by sections 589.400 to 589.425 to register who officially changes
28 such person's name shall inform the chief law enforcement officer of such name change within
29 seven days after such change is made.

30 [5.] 6. In addition to the requirements of subsections 1 and 2 of this section, the
31 following offenders shall report in person to the chief law enforcement agency every ninety days
32 to verify the information contained in their statement made pursuant to section 589.407:

33 (1) Any offender registered as a predatory or persistent sexual offender under the
34 definitions found in section 558.018, RSMo;

35 (2) Any offender who is registered for a crime where the victim was less than eighteen
36 years of age at the time of the offense; and

37 (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425
38 of failing to register or submitting false information when registering.

39 [6.] 7. In addition to the requirements of subsections 1 and 2 of this section, all
40 registrants shall report semiannually in person in the month of their birth and six months

41 thereafter to the chief law enforcement agency to verify the information contained in their
42 statement made pursuant to section 589.407. All registrants shall provide an updated photograph
43 of himself or herself in the month of his or her birth to the chief law enforcement agency. The
44 photograph must depict a clear likeness of the registrant or the registrant shall be in violation of
45 this section.

46 [7.] 8. In addition to the requirements of subsections 1 and 2 of this section, all Missouri
47 registrants who work or attend school or training on a full-time or part-time basis in any other
48 state shall be required to report in person to the chief law enforcement officer in the area of the
49 state where they work or attend school or training and register in that state. "Part-time" in this
50 subsection means for more than fourteen days in any twelve-month period.

589.417. 1. Except for the specific information listed in subsection 2 of this section, the
2 complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall
3 not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in
4 section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement
5 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, **Internet identifiers**, and crimes for which such offenders are registered.
9 Any person may request such list from the chief law enforcement official of the county.

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