

FIRST REGULAR SESSION

HOUSE BILL NO. 260

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

0114L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 589.425, RSMo, and to enact in lieu thereof one new section relating to registration of sex offenders, with penalty provisions.

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

Section A. Section 589.425, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 589.425, to read as follows:

589.425. 1. A person commits the crime of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 and fails to comply with any requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class D felony unless the person is required to register based on having committed an offense in chapter 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class C felony.

2. A person commits the crime of failing to register as a sex offender as a second offense by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a second offense is a class D felony unless the person is required to register based on having committed an offense in chapter 566, RSMo, **or an offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which if committed in this state would be an offense under chapter 566, RSMo**, which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class C felony.

3. (1) A person commits the crime of failing to register as a sex offender as a third offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, 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.

18 two or more occasions, previously pled guilty to or has previously been found guilty of failing
19 to register as a sex offender. Failing to register as a sex offender as a third offense is a felony
20 which shall be punished by a term of imprisonment of not less than ten years and not more than
21 thirty years.

22 ~~[(1)]~~ (2) No court may suspend the imposition or execution of sentence of a person who
23 pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No
24 court may sentence such person to pay a fine in lieu of a term of imprisonment.

25 ~~[(2)]~~ (3) A person sentenced under this subsection shall not be eligible for conditional
26 release or parole until he or she has served at least two years of imprisonment.

27 ~~[(3)]~~ (4) Upon release, an offender who has committed failing to register as a sex
28 offender as a third offense shall be electronically monitored as a mandatory condition of
29 supervision. Electronic monitoring may be based on a global positioning system or any other
30 technology which identifies and records the offender's location at all times.

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