

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 655, Page 1, Section A, Line 2, by
2 inserting immediately after said section and line the following:

3
4 "43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet
5 which shall be open to the public and shall include a registered sexual offender search capability.

6 2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender
7 search shall make it possible for any person using the internet to search for and find the information
8 specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to
9 sections 589.400 to 589.425~~], except that only persons who have been convicted of, found guilty of~~
10 ~~or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall~~
11 ~~be included on this website].~~

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

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

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

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

19 (3) A physical description of the offender;

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

22 (5) Any photographs of the offender;

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

25 (7) The nature and dates of all offenses qualifying the offender to register, including the tier
26 level assigned to the offender under sections 589.400 to 589.425;

27 (8) The date on which the offender was released from the department of mental health,
28 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the
29 offender to register;

30 (9) Compliance status of the offender with the provisions of section 589.400 to 589.425;
31 and

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

36 5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400

Action Taken _____ Date _____

1 shall be exempt from public notification to include any adjudications from another state, territory,
 2 the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction."; and

3
 4 Further amend said bill and page, Section 556.037, Line 9, by inserting immediately after said
 5 section and line the following:

6
 7 "589.400. 1. Sections 589.400 to 589.425 shall apply to:

8 (1) Any person who, since July 1, 1979, has been or is hereafter [~~convicted of, been found~~
 9 ~~guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to~~
 10 ~~commit a felony offense of chapter 566, including sexual trafficking of a child and sexual~~
 11 ~~trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a~~
 12 ~~minor,] adjudicated for an offense referenced in section 589.414, unless such person is [exempted]
 13 exempt from registering under subsection [8] 9 or 10 of this section or section 589.401; [or]~~

14 (2) [~~Any person who, since July 1, 1979, has been or is hereafter convicted of, been found~~
 15 ~~guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to~~
 16 ~~commit one or more of the following offenses: kidnapping or kidnapping in the first degree when~~
 17 ~~the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child~~
 18 ~~under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the~~
 19 ~~second degree when the victim was a child and the defendant is not a parent or guardian of the~~
 20 ~~child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with~~
 21 ~~a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare~~
 22 ~~of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a~~
 23 ~~female child, under section 568.065; promoting prostitution in the first degree; promoting~~
 24 ~~prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a~~
 25 ~~minor; promoting child pornography in the first degree; promoting child pornography in the second~~
 26 ~~degree; possession of child pornography; furnishing pornographic material to minors; public display~~
 27 ~~of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first~~
 28 ~~degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child~~
 29 ~~in a sexual performance; or promoting sexual performance by a child; or~~

30 ~~—(3)] Any person who, since July 1, 1979, has been committed to the department of mental~~
 31 ~~health as a criminal sexual psychopath; [or]~~

32 [(4)] (3) Any person who, since July 1, 1979, has been found not guilty as a result of
 33 mental disease or defect of any offense [listed] referenced in [subdivision (1) or (2) of this
 34 subsection] section 589.414; [or]

35 [(5)] (4) Any juvenile certified as an adult and transferred to a court of general jurisdiction
 36 who has been [~~convicted of, found guilty of, or has pleaded guilty or nolo contendere to~~
 37 ~~committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is~~
 38 ~~equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall~~
 39 ~~include any attempt or conspiracy to commit such offense;] adjudicated for an offense listed under
 40 section 589.414;~~

41 [(6)] (5) Any juvenile fourteen years of age (5) or older at the time of the offense who has been
 42 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18
 43 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

44 [(7)] (6) Any person who is a resident of this state who has, since July 1, 1979, been or is
 45 hereafter [~~convicted of, been found guilty of, or pled guilty to or nolo contendere]~~ adjudicated in
 46 any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or
 47 military jurisdiction [~~to committing, attempting to commit, or conspiring to commit]~~ for an offense
 48 which, if committed in this state, would [~~be a violation of chapter 566, or a felony violation of any~~

1 ~~offense listed in subdivision (2) of this subsection]~~ constitute an offense listed under section
 2 589.414, or has been or is required to register in another state, territory, the District of Columbia, or
 3 foreign country, or has been or is required to register under tribal, federal, or military law; or

4 ~~[(8)] (7)~~ Any person who has been or is required to register in another state, territory, the
 5 District of Columbia, or foreign country, or has been or is required to register under tribal, federal,
 6 or military law and who works or attends an educational institution, whether public or private in
 7 nature, including any secondary school, trade school, professional school, or institution of higher
 8 education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-
 9 time" in this subdivision means for more than seven days in any twelve-month period.

10 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business days
 11 of [conviction] adjudication, release from incarceration, or placement upon probation, register with
 12 the chief law enforcement official of the county or city not within a county in which such person
 13 resides unless such person has already registered in that county for the same offense. For any
 14 juvenile under subdivision (5) of subsection 1 of this section, within three business days of
 15 adjudication or release from commitment to the division of youth services, the department of mental
 16 health, or other placement, such juvenile shall register with the chief law enforcement official of the
 17 county or city not within a county in which he or she resides unless he or she has already registered
 18 in such county or city not within a county for the same offense. Any person to whom sections
 19 589.400 to 589.425 apply if not currently registered in their county of residence shall register with
 20 the chief law enforcement official of such county or city not within a county within three business
 21 days. The chief law enforcement official shall forward a copy of the registration form required by
 22 section 589.407 to a city, town, village, or campus law enforcement agency located within the
 23 county of the chief law enforcement official], if so requested. Such request may ask the chief law
 24 enforcement official to forward copies of all registration forms filed with such official. The chief
 25 law enforcement official may forward a copy of such registration form to any city, town, village, or
 26 campus law enforcement agency, if so requested].

27 3. The registration requirements of sections 589.400 through 589.425 [are lifetime
 28 registration requirements] shall be as provided under subsection 4 of this section unless:

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

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

31 ~~—(3)]~~ The registrant is no longer required to register and his or her name shall be removed
 32 from the registry under the provisions of [subsection 6 of this] section 589.414; or

33 ~~[(4)] (3)~~ The [registrant may petition the court for removal or exemption from the registry
 34 under subsection 7 or 8 of this section and the] court orders the removal or exemption of such
 35 person from the registry under section 589.401.

36 4. The registration requirements shall be as follows:

37 (1) Fifteen years if the offender is a tier I sex offender as provided under section 589.414;

38 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
 39 589.414; or

40 (3) The life of the offender if the offender is a tier III sex offender.

41 5. (1) The registration period shall be reduced as described in subdivision (3) of this
 42 subsection for a sex offender who maintains a clean record for the periods described under
 43 subdivision (2) of this subsection by:

44 (a) Not being adjudicated of any offense for which imprisonment for more than one year
 45 may be imposed;

46 (b) Not being adjudicated of any sex offense;

47 (c) Successfully completing any periods of supervised release, probation, or parole; and

48 (d) Successfully completing an appropriate sex offender treatment program certified by the

1 attorney general.

2 (2) In the case of a:

3 (a) Tier I sex offender, the period during which the clean record shall be maintained is ten
4 years;

5 (b) Tier III sex offender adjudicated delinquent for the offense which required registration
6 in a sex offender registry under sections 589.400 to 589.425, the period during which the clean
7 record shall be maintained is twenty-five years.

8 (3) In the case of a:

9 (a) Tier I sex offender, the reduction is five years;

10 (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period for
11 which the clean record under paragraph (b) of subdivision (2) is maintained.

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

14 ~~[5-]~~ 7. For processing any change in registration required pursuant to section 589.414 the
15 chief law enforcement official of the county or city not within a county may charge the person
16 changing their registration a fee of five dollars for each change made after the initial registration.

17 ~~[6-]~~ 8. Any person currently on the sexual offender registry ~~[for being convicted of, found~~
18 ~~guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring~~
19 ~~to commit,]~~ or who otherwise would be required to register for being adjudicated for the offense of
20 felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or
21 guardian of the child, nonsexual child abuse that was committed under section 568.060, or
22 kidnapping of a nonsexual nature when the victim was a child and he or she was the parent or
23 guardian of the child shall be removed from the registry. However, such person shall remain on the
24 sexual offender registry for any other offense for which he or she is required to register under
25 sections 589.400 to 589.425.

26 ~~[7-]~~ 9. The following persons shall be exempt from registering as a sexual offender upon
27 petition to the court of jurisdiction under section 589.401; except that, such person shall remain on
28 the sexual offender registry for any other offense for which he or she is required to register under
29 sections 589.400 to 589.425:

30 (1) Any person currently on the sexual offender registry ~~[for having been convicted of,~~
31 ~~found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit,~~
32 ~~or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the~~
33 ~~third degree, public display of explicit sexual material, statutory rape in the second degree, and no~~
34 ~~physical force or threat of physical force was used in the commission of the crime may file a~~
35 ~~petition in the civil division of the circuit court in the county in which the offender was convicted or~~
36 ~~found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or~~
37 ~~conspiring to commit the offense or offenses for the removal of his or her name from the sexual~~
38 ~~offender registry after ten years have passed from the date he or she was required to register]~~ or who
39 otherwise would be required to register for a sexual offense involving:

40 (a) Sexual conduct where no force or threat of force was directed toward the victim or any
41 other individual involved, if the victim was an adult, unless the adult was under the custodial
42 authority of the offender at the time of the offense; or

43 (b) Sexual conduct where no force or threat of force was directed toward the victim, the
44 victim was at least fourteen years of age, and the offender was not more than four years older than
45 the victim at the time of the offense; or

46 (2) Any person currently required to register for the following sexual offenses:

47 (a) Promoting obscenity in the first degree under section 573.020;

48 (b) Promoting obscenity in the second degree under section 573.030;

- 1 (c) Furnishing pornographic materials to minors under section 573.040;
 2 (d) Public display of explicit sexual material under section 573.060;
 3 (e) Coercing acceptance of obscene material under section 573.065;
 4 (f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor
 5 under section 566.206;
 6 (g) Abusing an individual through forced labor under section 566.203;
 7 (h) Contributing to human trafficking through the misuse of documentation under section
 8 566.215; or
 9 (i) Acting as an international marriage broker and failing to provide the information and
 10 notice as required under section 578.475.

11 [8. Effective August 28, 2009,] 10. Any person currently on the sexual offender registry for
 12 having been [~~convicted of, found guilty of, or having pled guilty or nolo contendere to an offense~~
 13 ~~included under subsection 1 of this section may file a petition after two years have passed from the~~
 14 ~~date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or~~
 15 ~~offenses in the civil division of the circuit court in the county in which the offender was convicted~~
 16 ~~or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or~~
 17 ~~her name from the registry if such person was nineteen years of age or younger and the victim was~~
 18 ~~thirteen years of age or older at the time of the offense and no physical force or threat of physical~~
 19 ~~force was used in the commission of the offense, unless such person meets the qualifications of this~~
 20 ~~subsection, and such person was eighteen years of age or younger at the time of the offense, and is~~
 21 ~~convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068,~~
 22 ~~566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may~~
 23 ~~immediately file a petition to remove or exempt his or her name from the registry upon his or her~~
 24 ~~conviction or finding or pleading of guilty or nolo contendere to such offense] adjudicated for a tier
 25 I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed
 26 under section 589.414 may file a petition under section 589.401.~~

27 [9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person
 28 demonstrates to the court that he or she has complied with the provisions of this section and is not a
 29 current or potential threat to public safety. The prosecuting attorney in the circuit court in which the
 30 petition is filed must be given notice, by the person seeking removal or exemption from the registry,
 31 of the petition to present evidence in opposition to the requested relief or may otherwise
 32 demonstrate the reasons why the petition should be denied. Failure of the person seeking removal
 33 or exemption from the registry to notify the prosecuting attorney of the petition shall result in an
 34 automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he
 35 or she shall make reasonable efforts to notify the victim of the crime for which the person was
 36 required to register of the petition and the dates and times of any hearings or other proceedings in
 37 connection with that petition.

38 ———(2) If the petition is denied, such person shall wait at least twelve months before petitioning
 39 the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts
 40 such person's name from the registry, a certified copy of the written findings or order shall be
 41 forwarded by the court to the chief law enforcement official having jurisdiction over the offender
 42 and to the Missouri state highway patrol in order to have such person's name removed or exempted
 43 from the registry.]

44 [10.] 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
 45 student shall register for the duration of such person's employment, including participation as a
 46 volunteer or intern, or attendance at any school of higher education [~~and is not entitled to relief~~
 47 ~~under the provisions of subsection 9 of this section] whether public or private, including any
 48 secondary school, trade school, professional school, or institution of higher education on a full-time~~

1 or part-time basis in this state unless granted relief under section 589.401. Any registered offender
2 shall provide information regarding any place in which the offender is staying when away from his
3 or her residence for seven or more days, including the period of time the offender is staying in such
4 place. Any registered offender from another state who has a temporary residence in this state and
5 resides more than seven days in a twelve-month period shall register for the duration of such
6 person's temporary residency [and is not entitled to the provisions of subsection 9 of this section]
7 unless granted relief under section 589.401.

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

12 589.401. 1. A person on the sexual offender registry may file a petition in the division of
13 the circuit court in the county or city not within a county in which the offense requiring registration
14 was committed to have his or her name removed from the sexual offender registry.

15 2. A person who is required to register in this state because of an offense that was
16 adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of
17 the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in
18 which his or her offense was adjudicated. Upon the grant of the petition for removal in the
19 jurisdiction where the offense was adjudicated, such judgment may be registered in this state by
20 sending the information required under subsection 5 of this section as well as one authenticated
21 copy of the order granting removal from the sexual offender registry in the jurisdiction where the
22 offense was adjudicated to the court in the county or city not within a county in which the offender
23 is required to register. On receipt of a request for registration removal, the registering court shall
24 cause the order to be filed as a foreign judgment, together with one copy of the documents and
25 information, regardless of their form. The petitioner shall be responsible for costs associated with
26 filing the petition.

27 3. A person required to register as a tier III offender shall not file a petition under this
28 section unless the requirement to register results from a juvenile adjudication.

29 4. The petition shall be dismissed without prejudice if the following time periods have not
30 elapsed since the date the person was required to register for his or her most recent offense under
31 sections 589.400 to 589.425:

32 (1) For a tier I offense, ten years;

33 (2) For a tier II offense, twenty-five years; or

34 (3) For a tier III offense adjudicated delinquent, twenty-five years.

35 5. The petition shall be dismissed without prejudice if it fails to include any of the
36 following:

37 (1) The petitioner's:

38 (a) Full name, including any alias used by the individual;

39 (b) Sex;

40 (c) Race;

41 (d) Date of birth;

42 (e) Last four digits of the Social Security number;

43 (f) Address; and

44 (g) Place of employment, school, or volunteer status;

45 (2) The offense and tier of the offense that required the petitioner to register;

46 (3) The date the petitioner was adjudicated for the offense;

47 (4) The date the petitioner was required to register;

48 (5) The case number and court, including the county or city not within a county, that entered

1 the original order for the adjudicated sex offense;

2 (6) Petitioner's fingerprints on an applicant fingerprint card;

3 (7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated,
4 or set aside, an authenticated copy of the order; and

5 (8) If the petitioner is currently registered under applicable law and has not been adjudicated
6 for failure to register in any jurisdiction and does not have any charges pending for failure to
7 register.

8 6. The petition shall name as respondents the Missouri state highway patrol and the chief
9 law enforcement official in the county or city not within a county in which the petition is filed.

10 7. All proceedings under this section shall be governed under the Missouri supreme court
11 rules of civil procedure.

12 8. The person seeking removal or exemption from the registry shall provide the prosecuting
13 attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting
14 attorney may present evidence in opposition to the requested relief or may otherwise demonstrate
15 the reasons why the petition should be denied. Failure of the person seeking removal or exemption
16 from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial
17 of such person's petition.

18 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
19 access to all applicable records concerning the petitioner including, but not limited to, criminal
20 history records, mental health records, juvenile records, and records of the department of corrections
21 or probation and parole.

22 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime
23 for which the person was required to register of the petition and the dates and times of any hearings
24 or other proceedings in connection with such petition.

25 11. The court shall not enter an order directing the removal of the petitioner's name from the
26 sexual offender registry unless it finds the petitioner:

27 (1) Has not been adjudicated or does not have charges pending for any additional nonsexual
28 offense for which imprisonment for more than one year may be imposed since the date the offender
29 was required to register for his or her current tier level;

30 (2) Has not been adjudicated or does not have charges pending for any additional sex
31 offense that would require registration under sections 589.400 to 589.425 since the date the offender
32 was required to register for his or her current tier level, even if the offense was punishable by less
33 than one year imprisonment;

34 (3) Has successfully completed any required periods of supervised release, probation, or
35 parole without revocation since the date the offender was required to register for his or her current
36 tier level;

37 (4) Has successfully completed an appropriate sex offender treatment program as approved
38 by a court of competent jurisdiction or the Missouri department of corrections; and

39 (5) Is not a current or potential threat to public safety.

40 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this
41 section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol.
42 The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history
43 check of both state and federal files under section 43.530.

44 13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of
45 subsection 11 of this section, the petitioner shall not file a new petition under this section until:

46 (1) Fifteen years have passed from the date of the adjudication resulting in the denial of
47 relief if the petitioner is classified as a tier I offender;

48 (2) Twenty-five years have passed from the date of adjudication resulting in the denial of

1 relief if the petitioner is classified as a tier II offender; or

2 (3) Twenty-five years have passed from the date of the adjudication resulting in the denial
3 of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.

4 14. If the petition is denied due to the petitioner having charges pending in violation of
5 subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition
6 under this section until:

7 (1) The pending charges resulting in the denial of relief have been finally disposed of in a
8 manner other than adjudication; or

9 (2) If the pending charges result in an adjudication, the necessary time period has elapsed
10 under subsection 13 of this section.

11 15. If the petition is denied for reasons other than those outlined in subsection 11 of this
12 section, no successive petition requesting such relief shall be filed for at least five years from the
13 date the judgment denying relief is entered.

14 16. If the court finds the petitioner is entitled to have his or her name removed from the
15 sexual offender registry, the court shall enter judgment directing the removal of the name. A copy
16 of the judgment shall be provided to the respondents named in the petition.

17 17. Any person subject to the judgment requiring his or her name to be removed from the
18 sexual offender registry is not required to register under sections 589.400 to 589.425 unless such
19 person is required to register for an offense that was different from that listed on the judgment of
20 removal.

21 18. The court shall not deny the petition unless the petition failed to comply with the
22 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
23 demonstrating the petition should be denied.

24 589.402. 1. The chief law enforcement officer of the county or city not within a county
25 may maintain a web page on the internet, which shall be open to the public and shall include a
26 registered sexual offender search capability.

27 2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender
28 search shall make it possible for any person using the internet to search for and find the information
29 specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to
30 sections 589.400 to 589.425~~], except that only persons who have been convicted of, found guilty of,~~
31 ~~or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall~~
32 ~~be included on this website].~~

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

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

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

37 (3) A physical description of the offender;

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

40 (5) Any photographs of the offender;

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

43 (7) The nature and dates of all offenses qualifying the offender to register, including the tier
44 level assigned to the offender under sections 589.400 to 589.425;

45 (8) The date on which the offender was released from the department of mental health,
46 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the
47 offender to register;

48 (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425;

1 and

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

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

10 5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400
11 shall be exempt from public notification to include any adjudications from another state, territory,
12 the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.

13 589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] who is required
14 to register under sections 589.400 to 589.425 and who is paroled, discharged, or otherwise released
15 from any correctional facility of the department of corrections [or], any mental health institution,
16 private jail under section 221.095, or other private facility recognized by or contracted with the
17 department of corrections or department of mental health where such person was confined shall:

18 (1) If the person plans to reside in this state, be informed by the official in charge of such
19 correctional facility, private jail, or mental health institution of the person's possible duty to register
20 pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections
21 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental
22 health institution shall complete the initial registration notification at least seven days prior to
23 release and forward the offender's registration, within three business days of release, to the Missouri
24 state highway patrol and the chief law enforcement official of the county or city not within a county
25 where the person expects to reside upon discharge, parole, or release[. When the person lists an
26 address where he or she expects to reside that is not in this state, the initial registration shall be
27 forwarded to the Missouri state highway patrol.]; or

28 (2) If the person does not reside or plan to reside in Missouri, be informed by the official in
29 charge of such correctional facility, private jail, or mental health institution of the person's possible
30 duty to register under sections 589.400 to 589.425. If such person is required to register under
31 sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the
32 mental health institution shall complete the initial registration notification at least seven days prior
33 to release and forward the offender's registration, within three business days of release, to the
34 Missouri state highway patrol and the chief law enforcement official within the county or city not
35 within a county where the correctional facility, private jail, or mental health institution is located.

36 2. If the offender refuses to complete and sign the registration information as outlined in
37 this section or fails to register with the chief law enforcement official within three business days as
38 directed, the offender commits the offense of failure to register under section 589.425 within the
39 jurisdiction where the correctional facility, private jail, or mental health institution is located.

40 589.404. As used in sections 589.400 to 589.425, the following terms mean:

41 (1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of
42 guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing,
43 attempting to commit, or conspiring to commit;

44 (2) "Adjudicated delinquent", a person found to have committed an offense that, if
45 committed by an adult, would be a criminal offense;

46 (3) "Chief law enforcement official", the sheriff 's office of each county or the police
47 department of a city not within a county;

48 (4) "Offender registration", the required minimum informational content of sex offender

1 registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex
 2 offender registration card upon initial registration in Missouri, as well as all other forms required by
 3 the Missouri state highway patrol upon each initial and subsequent registration;

4 (5) "Residence", any place where an offender sleeps for seven or more consecutive or
 5 nonconsecutive days or nights within a twelve-month period;

6 (6) "Sex offender", any person who meets the criteria to register under sections 589.400 to
 7 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
 8 Protection and Safety Act of 2006, Pub. L. 109-248;

9 (7) "Sex offense", any offense which is listed under section 589.414 or comparable to those
 10 listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender
 11 Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of
 12 2006, Pub. L. 109-248;

13 (8) "Sexual act", any type or degree of genital, oral, or anal penetration;

14 (9) "Sexual contact", any sexual touching of or contact with a person's body, either directly
 15 or through the clothing;

16 (10) "Sexual element", used for the purposes of distinguishing if sexual contact or a sexual
 17 act was committed. Authorities shall refer to information filed by the prosecutor, amended
 18 information filed by the prosecutor, indictment information filed by the prosecutor, or amended
 19 indictment information filed by the prosecutor, the plea agreement, or court documentation to
 20 determine if a sexual element exists;

21 (11) "Signature", the name of the offender signed in writing or electronic form approved by
 22 the Missouri state highway patrol;

23 (12) "Student", an individual who enrolls in or attends the physical location of an
 24 educational institution, including a public or private secondary school, trade or professional school,
 25 or an institution of higher education;

26 (13) "Vehicle", any land vehicle, watercraft, or aircraft.

27 589.405. 1. Any person [~~to whom subsection 1 of section 589.400 applies~~] who is required
 28 to register under sections 589.400 to 589.425 and who is released on probation, discharged upon
 29 payment of a fine, or released after confinement in a county jail shall, prior to such release or
 30 discharge and at the time of adjudication, be informed of the possible duty to register pursuant to
 31 sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is
 32 required to register pursuant to sections 589.400 to 589.425 and is placed on probation, the court
 33 shall [~~obtain the address where the person expects to reside upon discharge, parole or release and~~
 34 shall] make it a condition of probation that the offender report[~~;~~] within three business days[~~, such~~
 35 address] to the chief law enforcement official of the county of adjudication or city not within a
 36 county [~~where the person expects to reside, upon discharge, parole or release~~] of adjudication to
 37 complete initial registration. If such offender is not placed on probation, the court shall:

38 (1) If the offender resides in Missouri, complete the initial notification of duty to register
 39 form approved by the state judicial records committee and the Missouri state highway patrol and
 40 forward the form within three business days to the Missouri state highway patrol and the chief law
 41 enforcement official in the county or city not within a county in which the offender resides; or

42 (2) If the offender does not reside in Missouri:

43 (a) Order the offender to report directly to the chief law enforcement official in the county
 44 or city not within a county where the adjudication was heard to register as provided in sections
 45 589.400 to 589.425; and

46 (b) Complete the initial notification of duty to register form approved by the state judicial
 47 records committee and the Missouri state highway patrol and forward the form within three business
 48 days to the Missouri state highway patrol and the chief law enforcement official in the county or

1 city not within a county where the offender was adjudicated.

2 2. If the offender resides in Missouri and refuses to complete and sign the registration
 3 information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides
 4 outside of Missouri and refuses to directly report to the chief law enforcement official as provided
 5 in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to
 6 register under section 589.425.

7 589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of
 8 completion of an offender registration form developed by the Missouri state highway patrol or other
 9 format approved by the Missouri state highway patrol. Such form shall consist of a statement,
 10 including the signature of the offender, and shall include, but is not limited to, the following:

11 (1) A statement in writing signed by the person, giving the name, address, date of birth,
 12 Social Security number, and phone number of the person, the license plate number and vehicle
 13 description, including the year, make, model, and color of each vehicle owned or operated by the
 14 offender, any online identifiers, as defined in section 43.651, used by the person, the place of
 15 employment of such person, enrollment within any institutions of higher education, the crime which
 16 requires registration, whether the person was sentenced as a persistent or predatory offender
 17 pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place
 18 of the conviction or plea regarding such crime, the age and gender of the victim at the time of the
 19 offense and whether the person successfully completed the Missouri sexual offender program
 20 pursuant to section 589.040, if applicable;

21 (2) The fingerprints~~;~~ and palm prints~~;~~ and a photograph of the person; ~~and~~

22 (3) Unless the offender's appearance has not changed significantly, a photograph of such
 23 offender as follows:

24 (a) Quarterly if a tier III sex offender under section 589.414. Such photograph shall be
 25 taken every ninety days beginning in the month of the person's birth;

26 (b) Semiannually if a tier II sex offender. Such photograph shall be taken in the month of
 27 the person's birth and six months thereafter; and

28 (c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the
 29 person's birth; and

30 (4) A DNA sample from the individual, if a sample has not already been obtained.

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

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

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

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

37 3. The Missouri state highway patrol shall maintain all required registration information in
 38 digitized form.

39 4. Upon receipt of any changes to an offender's registration information contained in this
 40 section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which
 41 the offender is either registered or required to register.

42 5. The offender shall be responsible for reviewing his or her existing registration
 43 information for accuracy at every regular in-person appearance and, if any inaccuracies are found,
 44 provide proof of the information in question.

45 6. The signed offender registration form shall serve as proof that the individual understands
 46 his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to
 47 this effect shall be included on the form that the individual is required to sign at each registration.

48 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, ~~not later~~

1 ~~than] within three business days [after each change of name, residence within the county or city not~~
 2 ~~within a county at which the offender is registered, employment, or student status], appear in person~~
 3 ~~to the chief law enforcement officer of the county or city not within a county [and inform such~~
 4 ~~officer of all changes in the information required by the offender. The chief law enforcement~~
 5 ~~officer shall immediately forward the registrant changes to the Missouri state highway patrol within~~
 6 ~~three business days] if there is a change to any of the following information:~~

7 (1) Name;

8 (2) Residence;

9 (3) Employment, including status as a volunteer or intern;

10 (4) Student status; or

11 (5) A termination to any of the items listed in this subsection.

12 2. Any person required to register under sections 589.400 to 589.425 shall, within three
 13 business days, notify the chief law enforcement official of the county or city not within a county of
 14 any changes to the following information:

15 (1) Vehicle information;

16 (2) Temporary lodging information;

17 (3) Temporary residence information;

18 (4) Email addresses, instant messaging addresses, and any other designations used in
 19 internet communications, postings, or telephone communications; or

20 (5) Telephone or other cellular number, including any new forms of electronic
 21 communication.

22 3. The chief law enforcement official in the county or city not within a county shall
 23 immediately forward the registration changes described under subsections 1 and 2 of this section to
 24 the Missouri state highway patrol within three business days.

25 ~~[2-]~~ 4. If any person required by sections 589.400 to 589.425 to register changes such
 26 person's residence or address to a different county or city not within a county, the person shall
 27 appear in person and shall inform both the chief law enforcement official with whom the person last
 28 registered and the chief law enforcement official of the county or city not within a county having
 29 jurisdiction over the new residence or address in writing within three business days of such new
 30 address and phone number, if the phone number is also changed. If any person required by sections
 31 589.400 to 589.425 to register changes their state his or her state, territory, the District of Columbia,
 32 or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in
 33 person and shall inform both the chief law enforcement official with whom the person was last
 34 registered and the chief law enforcement official of the area in the new state, territory, the District of
 35 Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the
 36 new residence or address within three business days of such new address. Whenever a registrant
 37 changes residence, the chief law enforcement official of the county or city not within a county
 38 where the person was previously registered shall inform the Missouri state highway patrol of the
 39 change within three business days. When the registrant is changing the residence to a new state,
 40 territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
 41 Missouri state highway patrol shall inform the responsible official in the new state, territory, the
 42 District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence
 43 within three business days.

44 ~~[3-]~~ 5. Tier I sexual offenders, in addition to the requirements of subsections 1 ~~[and 2]~~ to 4
 45 of this section, ~~[the following offenders]~~ shall report in person to the chief law enforcement ~~[agency~~
 46 ~~every ninety days]~~ official annually in the month of their birth to verify the information contained in
 47 their statement made pursuant to section 589.407. Tier I sexual offenders include:

48 (1) Any offender ~~[registered as a predatory or persistent sexual offender under the~~

1 definitions found in section 566.125] who has been adjudicated for the offense of:

2 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of
3 age or older;

4 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the
5 punishment is less than one year;

6 (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a
7 year;

8 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;

9 (e) Kidnapping in the third degree under section 565.130;

10 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
11 under section 566.115 if the punishment is less than one year;

12 (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable
13 person;

14 (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is
15 eighteen years of age or older;

16 (i) Sex with an animal under section 566.111;

17 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is
18 eighteen years of age or older;

19 (k) Possession of child pornography under section 573.037;

20 (l) Sexual misconduct in the first degree under section 566.093;

21 (m) Sexual misconduct in the second degree under section 566.095;

22 (n) Child molestation in the second degree under section 566.068 as it existed prior to
23 January 1, 2017, if the punishment is less than one year; or

24 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of
25 age;

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

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

30 ~~— 4.] Any offender who is or has been adjudicated in any other state, territory, the District of~~
31 ~~Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a~~
32 ~~sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this~~
33 ~~subsection or, if not comparable to those in this subsection, comparable to those described as tier I~~
34 ~~offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child~~
35 ~~Protection and Safety Act of 2006, Pub. L. 109-248.~~

36 6. Tier II sexual offenders, in addition to the requirements of subsections 1 [~~and 2]~~ to 4 of
37 this section, [~~all registrants]~~ shall report semiannually in person in the month of their birth and six
38 months thereafter to the chief law enforcement [~~agency]~~ official to verify the information contained
39 in their statement made pursuant to section 589.407. [~~All registrants shall allow the chief law~~
40 ~~enforcement officer to take a current photograph of the offender in the month of his or her birth to~~
41 ~~the chief law enforcement agency.] Tier II sexual offenders include:~~

42 (1) Any offender who has been adjudicated for the offense of:

43 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to
44 seventeen years of age;

45 (b) Child molestation in the third degree under section 566.069 if the victim is between
46 thirteen and fourteen years of age;

47 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen
48 years of age;

- 1 (d) Enticement of a child under section 566.151;
2 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim
3 is thirteen to seventeen years of age;
4 (f) Sexual exploitation of a minor under section 573.023;
5 (g) Promoting child pornography in the first degree under section 573.025;
6 (h) Promoting child pornography in the second degree under section 573.035;
7 (i) Patronizing prostitution under section 567.030;
8 (j) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen
9 to seventeen years of age;
10 (k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to
11 seventeen years of age;
12 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the
13 penalty is a term of imprisonment of more than a year; or
14 (m) Age misrepresentation with intent to solicit a minor under section 566.153;
15 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this
16 section or failure to register offense under section 589.425 or comparable out-of-state failure to
17 register offense and who is already required to register as a tier I offender due to having been
18 adjudicated of a tier I offense on a previous occasion; or
19 (3) Any person who is or has been adjudicated in any other state, territory, the District of
20 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a
21 sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this
22 subsection or, if not comparable to those in this subsection, comparable to those described as tier II
23 offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
24 Protection and Safety Act of 2006, Pub. L. 109-248.
25 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this
26 section, shall report in person to the chief law enforcement official every ninety days to verify the
27 information contained in their statement made under section 589.407. Tier III sexual offenders
28 include:
29 (1) Any offender registered as a predatory sexual offender as defined in section 566.123 or a
30 persistent sexual offender as defined in section 566.124;
31 (2) Any offender who has been adjudicated for the crime of:
32 (a) Rape in the first degree under section 566.030;
33 (b) Statutory rape in the first degree under section 566.032;
34 (c) Rape in the second degree under section 566.031;
35 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
36 offense is sexual in nature;
37 (e) Sodomy in the first degree under section 566.060;
38 (f) Statutory sodomy under section 566.062;
39 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
40 (h) Sodomy in the second degree under section 566.061;
41 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or
42 subsequent offense;
43 (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen
44 years of age;
45 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
46 years of age, excluding kidnapping by a parent or guardian;
47 (l) Child kidnapping under section 565.115;
48 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree

1 under section 566.115 if the punishment is greater than a year;

2 (n) Incest under section 568.020;

3 (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual
4 intercourse or deviate sexual intercourse with a victim under eighteen years of age;

5 (p) Child molestation in the first degree under section 566.067;

6 (q) Child molestation in the second degree under section 566.068;

7 (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen
8 years of age;

9 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
10 eighteen years of age;

11 (t) Promoting prostitution in the second degree under section 567.060 if the victim is under
12 eighteen years of age;

13 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
14 eighteen years of age;

15 (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen
16 years of age;

17 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is
18 under eighteen years of age;

19 (x) Sexual trafficking of a child in the first degree under section 566.210;

20 (y) Sexual trafficking of a child in the second degree under section 566.211;

21 (z) Genital mutilation of a female child under section 568.065;

22 (aa) Statutory rape in the second degree under section 566.034;

23 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
24 thirteen years of age;

25 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of
26 imprisonment of more than a year;

27 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;

28 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
29 victim is under thirteen years of age;

30 (ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under
31 thirteen years of age;

32 (gg) Sexual intercourse with a prisoner or offender under section 566.145;

33 (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen
34 years of age;

35 (ii) Use of a child in a sexual performance under section 573.200; or

36 (jj) Promoting a sexual performance by a child under section 573.205;

37 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
38 listed in this section or failure to register offense under section 589.425, or other comparable out-of-
39 state failure to register offense, who has been or is already required to register as a tier II offender
40 because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier
41 I offense and failure to register offense, on a previous occasion;

42 (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or
43 foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or
44 with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense
45 under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
46 Protection and Safety Act of 2006, Pub. L. 109-248; or

47 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring
48 registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in

1 this section.

2 ~~[5.]~~ 8. In addition to the requirements of subsections 1 ~~[and 2]~~ to 7 of this section, all
3 Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school [or
4 training] whether public or private, including any secondary school, trade school, professional
5 school, or institution of higher education, on a full-time or part-time basis ~~[in any other state]~~ or
6 have a temporary residence in this state shall be required to report in person to the chief law
7 enforcement officer in the area of the state where they work, including as a volunteer or unpaid
8 intern, or attend any school or training and register in that state. "Part-time" in this subsection
9 means for more than seven days in any twelve-month period.

10 ~~[6.]~~ 9. If a person~~;~~ who is required to register as a sexual offender under sections 589.400
11 to 589.425~~;~~ changes or obtains a new online identifier as defined in section 43.651, the person
12 shall report such information in the same manner as a change of residence before using such online
13 identifier."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.