

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2042

99TH GENERAL ASSEMBLY

4083H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.650, 210.025, 210.254, 210.258, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.125, 566.147, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, and 589.426, RSMo, and to enact in lieu thereof twenty-six new sections relating to sexual offenders, with penalty provisions.

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

Section A. Sections 43.650, 210.025, 210.254, 210.258, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.125, 566.147, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, and 589.426, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 43.650, 210.025, 210.254, 210.258, 210.1080, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.123, 566.124, 566.147, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.414, and 589.426, to read as follows:

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

2. **Except as provided in subsections 4 and 5 of this section**, 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 4 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, attempting to commit, or conspiring to commit sexual offenses shall be included on this website~~].

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.

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

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

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

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

16 (3) A physical description of the offender;

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

19 (5) Any photographs of the offender;

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

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

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

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

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

33 **5. Juveniles required to register under subdivision (5) of subsection 1 of section**
34 **589.400 shall be exempt from public notification to include any adjudications from another**
35 **state, territory, the District of Columbia, or foreign country or any federal, tribal, or**
36 **military jurisdiction.**

210.025. 1. **An applicant child care provider; persons employed by the applicant**
2 **child care provider for compensation, including contract employees or self-employed**
3 **individuals; individuals or volunteers whose activities involve the care or supervision of**
4 **children for the applicant child care provider or unsupervised access to children who are**
5 **cared for or supervised by the applicant child care provider; or individuals residing in the**
6 **applicant's family child care home who are seventeen years of age or older shall be**
7 **required to submit to a criminal background check under section 43.540 prior to an**
8 **applicant being granted a registration and every five years thereafter and an annual check**

9 **of the central registry for child abuse established in section 210.145 in order for the**
10 **applicant** to qualify for receipt of state or federal funds for providing child-care services [~~in the~~
11 ~~home]~~ either by direct payment or through reimbursement to a child-care beneficiary~~], an~~
12 ~~applicant and any person over the age of seventeen who is living in the applicant's home shall~~
13 ~~be required to submit to a criminal background check pursuant to section 43.540 and a check of~~
14 ~~the central registry for child abuse established in section 210.145. Effective January 1, 2001, the~~
15 ~~requirements of this subsection or subsection 2 of this section shall be satisfied through~~
16 ~~registration with the family care safety registry established in sections 210.900 to 210.936]. Any~~
17 costs associated with such checks shall be paid by the applicant.

18 2. Upon receipt of an application for state or federal funds for providing child-care
19 services in the home, the [~~family support~~] **children's** division shall:

20 (1) Determine if a finding of child abuse or neglect by probable cause prior to August
21 28, 2004, or by a preponderance of the evidence after August 28, 2004, involving the applicant
22 or any person over the age of seventeen who is living in the applicant's home has been recorded
23 pursuant to section 210.145 or 210.221;

24 (2) Determine if the applicant or any person over the age of seventeen who is living in
25 the applicant's home has been refused licensure or has experienced licensure suspension or
26 revocation pursuant to section 210.221 or 210.496; and

27 (3) Upon initial application, require the applicant to submit to fingerprinting and request
28 a criminal background check of the applicant and any person over the age of seventeen who is
29 living in the applicant's home pursuant to section 43.540 and section 210.487, and inquire of the
30 applicant whether any children less than seventeen years of age residing in the applicant's home
31 have ever been certified as an adult and convicted of, or pled guilty or nolo contendere to any
32 crime.

33 3. Except as otherwise provided in subsection 4 of this section, upon completion of the
34 background checks in subsection 2 of this section, an applicant shall be denied state or federal
35 funds for providing child care if such applicant, any person over the age of seventeen who is
36 living in the applicant's home, and any child less than seventeen years of age who is living in the
37 applicant's home and who the division has determined has been certified as an adult for the
38 commission of a crime:

39 (1) Has had a finding of child abuse or neglect by probable cause prior to August 28,
40 2004, or by a preponderance of the evidence after August 28, 2004, pursuant to section 210.145
41 or section 210.152;

42 (2) Has been refused licensure or has experienced licensure suspension or revocation
43 pursuant to section 210.496;

44 (3) Has pled guilty or nolo contendere to or been found guilty of any felony for an
45 offense against the person as defined by chapter 565, or any other offense against the person
46 involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for
47 a sexual offense as defined by chapter 566; of any misdemeanor or felony for an offense against
48 the family as defined in chapter 568, with the exception of the sale of fireworks, as defined in
49 section 320.110, to a child under the age of eighteen; of any misdemeanor or felony for
50 pornography or related offense as defined by chapter 573; or of any similar crime in any federal,
51 state, municipal or other court of similar jurisdiction of which the director has knowledge or any
52 offenses or reports which will disqualify an applicant from receiving state or federal funds.

53 4. An applicant shall be given an opportunity by the division to offer any extenuating or
54 mitigating circumstances regarding the findings, refusals or violations against such applicant or
55 any person over the age of seventeen or less than seventeen who is living in the applicant's home
56 listed in subsection 2 of this section. Such extenuating and mitigating circumstances may be
57 considered by the division in its determination of whether to permit such applicant to receive
58 state or federal funds for providing child care in the home.

59 5. An applicant who has been denied state or federal funds for providing child care in
60 the home may appeal such denial decision in accordance with the provisions of section 208.080.

61 6. If an applicant is denied state or federal funds for providing child care in the home
62 based on the background check results for any person over the age of seventeen who is living in
63 the applicant's home, the applicant shall not apply for such funds until such person is no longer
64 living in the applicant's home.

65 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
66 under the authority delegated in this section shall become effective only if it complies with and
67 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All
68 rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed.
69 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
70 adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
71 section and chapter 536 are nonseverable and if any of the powers vested with the general
72 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
73 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
74 any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.254. 1. Child-care facilities operated by religious organizations pursuant to the
2 exempt status recognized in subdivision (5) of section 210.211 shall upon enrollment of any
3 child provide the parent or guardian enrolling the child two copies of a notice of parental
4 responsibility, one copy of which shall be retained in the files of the facility after the enrolling
5 parent acknowledges, by signature, having read and accepted the information contained therein.

6 2. The notice of parental responsibility shall include the following:

7 (1) Notification that the child-care facility is exempt as a religious organization from
8 state licensing and therefore not inspected or supervised by the department of health and senior
9 services other than as provided herein and that the facility has been inspected by those designated
10 in section 210.252 and is complying with the fire, health and sanitation requirements of sections
11 210.252 to 210.257;

12 (2) The names, addresses and telephone numbers of agencies and authorities which
13 inspect the facility for fire, health and safety and the date of the most recent inspection by each;

14 (3) The staff/child ratios for enrolled children under two years of age, for children ages
15 two to four and for those five years of age and older as required by the department of health and
16 senior services regulations in licensed facilities, the standard ratio of staff to number of children
17 for each age level maintained in the exempt facility, and the total number of children to be
18 enrolled by the facility;

19 (4) Notification that background checks have been conducted ~~[on each individual~~
20 ~~caregiver and all other personnel at the facility. The background check shall be conducted upon~~
21 ~~employment and every two years thereafter on each individual caregiver and all other personnel~~
22 ~~at the facility. Such background check shall include a screening for child abuse or neglect~~
23 ~~through the children's division, and a criminal record review through the Missouri highway patrol~~
24 ~~pursuant to section 43.540. The fee for the criminal record review shall be limited to the actual~~
25 ~~costs incurred by the Missouri highway patrol in conducting such review not to exceed ten~~
26 ~~dollars]~~ **under section 210.1080;**

27 (5) The disciplinary philosophy and policies of the child-care facility; and

28 (6) The educational philosophy and policies of the child-care facility.

29 3. A copy of notice of parental responsibility, signed by the principal operating officer
30 of the exempt child-care facility and the individual primarily responsible for the religious
31 organization conducting the child-care facility and copies of the annual fire and safety
32 inspections shall be filed annually during the month of August with the ~~[director of the]~~
33 ~~department of health and senior services. [Exempt child-care facilities which begin operation~~
34 ~~after August 28, 1993, shall file such notice at least five days prior to starting to operate.]~~

 210.258. The provisions of this section and section 210.259 apply to a child care facility
2 maintained or operated under the exclusive control of a religious organization. Nothing in
3 sections 210.252 to 210.257 shall be construed to authorize the department of health and senior
4 services or any other governmental entity:

5 (1) To interfere with the program, curriculum, ministry, teaching or instruction offered
6 in a child care facility;

7 (2) To interfere with the [~~selection,~~] certification[~~;~~] **and** minimal formal educational
8 degree requirements[~~, supervision or terms of employment of a facility's personnel~~];

9 (3) [~~To interfere with the selection of individuals sitting on any governing board of a~~
10 ~~child care facility~~;

11 ~~——(4)]~~ To interfere with the selection of children enrolled in a child care facility; or

12 [~~(5)]~~ **(4)** To prohibit the use of corporal punishment. However, the department of health
13 and senior services may require the child care facility to provide the parent or guardian enrolling
14 a child in the facility a written explanation of the disciplinary philosophy and policies of the child
15 care facility.

210.1080. 1. As used in this section, the following terms mean:

2 **(1) “Child care staff member”, a child care provider; persons employed by the child**
3 **care provider for compensation, including contract employees or self-employed**
4 **individuals; individuals or volunteers whose activities involve the care or supervision of**
5 **children for a child care provider or unsupervised access to children who are cared for or**
6 **supervised by a child care provider; or individuals residing in a family child care home**
7 **who are seventeen years of age and older;**

8 **(2) “Criminal background check”:**

9 **(a) A Federal Bureau of Investigation fingerprint check;**

10 **(b) A search of the National Crime Information Center's National Sex Offender**
11 **Registry; and**

12 **(c) A search of the following registries, repositories, or databases in Missouri, the**
13 **state where the child care staff member resides, and each state where such staff member**
14 **resided during the preceding five years:**

15 **a. The state criminal registry or repository, with the use of fingerprints being**
16 **required in the state where the staff member resides and optional in other states;**

17 **b. The state sex offender registry or repository; and**

18 **c. The state-based child abuse and neglect registry and database.**

19 **2. (1) Prior to the employment or presence of a child care staff member in a family**
20 **child care home, group child care home, child care center, or license-exempt child care**
21 **facility, the child care provider shall request the results of a criminal background check**
22 **for such child care staff member from the department of health and senior services.**

23 **(2) A prospective child care staff member may begin work for a child care provider**
24 **after the criminal background check has been requested from the department; however,**
25 **pending completion of the criminal background check, the prospective child care staff**
26 **member shall be supervised at all times by another child care staff member who received**
27 **a qualifying result on the criminal background check within the past five years.**

28 **(3) A family child care home, group child care home, child care center, or license-**
29 **exempt child care facility that has child care staff members at the time this section becomes**
30 **effective shall request the results of a criminal background check for all child care staff**
31 **members by January 31, 2019, unless the requirements for subsection 5 of this section are**
32 **met by the child care provider and proof is submitted to the department of health and**
33 **senior services by January 31, 2019.**

34 **3. The costs of the criminal background check shall be the responsibility of the**
35 **child care staff member but may be paid or reimbursed by the child care provider at the**
36 **provider's discretion. The fees charged for the criminal background check shall not exceed**
37 **the actual cost of processing and administration.**

38 **4. Except as otherwise provided in subsection 2 of this section, upon completion of**
39 **the criminal background check, any child care staff member or prospective child care staff**
40 **member shall be ineligible for employment or presence at a family child care home, a**
41 **group child care home, a licensed child care center, or a license-exempt child care facility**
42 **if such person:**

43 **(1) Refuses to consent to the criminal background check as required by this section;**

44 **(2) Knowingly makes a materially false statement in connection with the criminal**
45 **background check as required by this section;**

46 **(3) Is registered, or is required to be registered, on a state sex offender registry or**
47 **repository or the National Sex Offender Registry;**

48 **(4) Has a finding of child abuse or neglect under section 210.145 or 210.152 or any**
49 **other finding of child abuse or neglect based on any other state's registry or database;**

50 **(5) Has been convicted of a felony consisting of:**

51 **(a) Murder, as described in 18 U.S.C. Section 1111;**

52 **(b) Child abuse or neglect;**

53 **(c) A crime against children, including child pornography;**

54 **(d) Spousal abuse;**

55 **(e) A crime involving rape or sexual assault;**

56 **(f) Kidnapping;**

57 **(g) Arson;**

58 **(h) Physical assault or battery; or**

59 **(i) Subject to subsection 5 of this section, a drug-related offense committed during**
60 **the preceding five years;**

61 **(6) Has been convicted of a violent misdemeanor committed as an adult against a**
62 **child, including the following crimes: child abuse, child endangerment, or sexual assault,**
63 **or of a misdemeanor involving child pornography; or**

64 **(7) Has been convicted of any similar crime in any federal, state, municipal, or**
65 **other court.**

66

67 **Adult household members seventeen years of age and older in a family child care home**
68 **shall be ineligible to maintain presence at a family child care home if any one or more of**
69 **the provisions of this subsection applies to them.**

70 **5. A child care provider shall not be required to submit a request for a criminal**
71 **background check under this section for a child care staff member if:**

72 **(1) The staff member received a criminal background check within five years**
73 **before the latest date on which such a submission may be made and while employed by or**
74 **seeking employment by another child care provider within Missouri;**

75 **(2) The department of health and senior services provided to the first provider a**
76 **qualifying criminal background check result, consistent with this section, for the staff**
77 **member; and (3) The staff member is employed by a child care provider within Missouri**
78 **or has been separated from employment from a child care provider within Missouri for a**
79 **period of not more than one hundred eighty consecutive days.**

80 **6. (1) The department of health and senior services shall process the request for**
81 **a criminal background check for any prospective child care staff member or child care**
82 **staff member as expeditiously as possible, but not to exceed forty-five days after the date**
83 **on which the provider submitted the request.**

84 **(2) The department shall provide the results of the criminal background check to**
85 **the child care provider in a statement that indicates whether the prospective child care**
86 **staff member or child care staff member is eligible or ineligible for employment or**
87 **presence at the child care facility. The department shall not reveal to the child care**
88 **provider any disqualifying crime or other related information regarding the prospective**
89 **child care staff member or child care staff member.**

90 **(3) If such prospective child care staff member or child care staff member is**
91 **ineligible for employment or presence at the child care facility, the department shall, when**
92 **providing the results of criminal background check, include information related to each**
93 **disqualifying crime or other related information, in a report to such prospective child care**
94 **staff member or child care staff member, along with information regarding the**
95 **opportunity to appeal under subsection 7 of this section.**

96 **7. The prospective child care staff member or child care staff member may appeal**
97 **in writing to the department to challenge the accuracy or completeness of the information**
98 **contained in his or her criminal background check, or to offer information mitigating the**
99 **results and explaining why an eligibility exception should be granted. The department of**

100 **health and senior services shall attempt to verify the accuracy of the information**
101 **challenged by the individual, including making an effort to locate any missing disposition**
102 **information related to the disqualifying crime. The appeal shall be filed within ten days**
103 **from the delivery or mailing of the notice of ineligibility. The department shall make a**
104 **decision on the appeal in a timely manner.**

105 **8. The department may adopt emergency rules to implement the requirements of**
106 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
107 **is created under the authority delegated in this section shall become effective only if it**
108 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
109 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
110 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
111 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
112 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**
113 **shall be invalid and void.**

557.036. 1. Upon a finding of guilt, the court shall decide the extent or duration of
2 sentence or other disposition to be imposed under all the circumstances, having regard to the
3 nature and circumstances of the offense and the history and character of the defendant and render
4 judgment accordingly.

5 2. Where an offense is submitted to the jury, the trial shall proceed in two stages. At the
6 first stage, the jury shall decide only whether the defendant is guilty or not guilty of any
7 submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

8 3. If the jury at the first stage of a trial finds the defendant guilty of the submitted
9 offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall
10 be the punishment to be assessed and declared. Evidence supporting or mitigating punishment
11 may be presented. Such evidence may include, within the discretion of the court, evidence
12 concerning the impact of the offense upon the victim, the victim's family and others, the nature
13 and circumstances of the offense, and the history and character of the defendant. Rebuttal and
14 surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall
15 instruct the jury as to the range of punishment authorized by statute for each submitted offense.
16 The attorneys may argue the issue of punishment to the jury, and the state shall have the right to
17 open and close the argument. The jury shall assess and declare the punishment as authorized by
18 statute.

19 4. A second stage of the trial shall not proceed and the court, and not the jury, shall
20 assess punishment if:

21 (1) The defendant requests in writing, prior to voir dire, that the court assess the
22 punishment in case of a finding of guilt; or

23 (2) The state pleads and proves the defendant is a prior offender, persistent offender,
24 dangerous offender, or persistent misdemeanor offender as defined in section 558.016~~[-or-a~~
25 ~~persistent sexual offender or predatory sexual offender as defined in section 566.125]~~. If the jury
26 cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection
27 1 of this section. If, after due deliberation by the jury, the court finds the jury cannot agree on
28 punishment, then the court may instruct the jury that if it cannot agree on punishment that the
29 court will assess punishment.

30 5. If the jury returns a verdict of guilty in the first stage and declares a term of
31 imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this
32 section except that any term of imprisonment imposed cannot exceed the term declared by the
33 jury unless the term declared by the jury is less than the authorized lowest term for the offense,
34 in which event the court cannot impose a term of imprisonment greater than the lowest term
35 provided for the offense.

36 6. If the defendant is found to be a prior offender, persistent offender, dangerous offender
37 or persistent misdemeanor offender as defined in section 558.016:

38 (1) If he has been found guilty of an offense, the court shall proceed as provided in
39 section 558.016; or

40 (2) If he has been found guilty of a class A felony, the court may impose any sentence
41 authorized for the class A felony.

42 7. The court shall not seek an advisory verdict from the jury in cases of prior offenders,
43 persistent offenders, **or** dangerous offenders~~[-persistent sexual offenders or predatory sexual~~
44 ~~offenders]~~; if an advisory verdict is rendered, the court shall not deem it advisory, but shall
45 consider it as mere surplusage.

558.021. 1. The court shall find the defendant to be a prior offender, persistent offender,
2 **or** dangerous offender~~[-persistent sexual offender or predatory sexual offender]~~ if:

3 (1) The indictment or information, original or amended, or the information in lieu of an
4 indictment pleads all essential facts warranting a finding that the defendant is a prior offender,
5 persistent offender, **or** dangerous offender~~[-persistent sexual offender or predatory sexual~~
6 ~~offender]~~; **[and]**

7 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
8 beyond a reasonable doubt that the defendant is a prior offender, persistent offender, **or**
9 dangerous offender~~[-persistent sexual offender or predatory sexual offender]~~; and

10 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
11 by the court that the defendant is a prior offender, persistent offender, **or** dangerous offender~~[-~~
12 ~~persistent sexual offender or predatory sexual offender]~~.

13 2. In a jury trial, the facts shall be pleaded, established and found prior to submission to
 14 the jury outside of its hearing, except the facts required by subdivision (1) of subsection 4 of
 15 section 558.016 may be established and found at a later time, but prior to sentencing, and may
 16 be established by judicial notice of prior testimony before the jury.

17 3. In a trial without a jury or upon a plea of guilty, the court may defer the proof and
 18 findings of such facts to a later time, but prior to sentencing. The facts required by subdivision
 19 (1) of subsection 4 of section 558.016 may be established by judicial notice of prior testimony
 20 or the plea of guilty.

21 4. The defendant shall be accorded full rights of confrontation and cross-examination,
 22 with the opportunity to present evidence, at such hearings.

23 5. The defendant may waive proof of the facts alleged.

24 6. Nothing in this section shall prevent the use of presentence investigations or
 25 commitments under sections 557.026 and 557.031.

26 7. At the sentencing hearing both the state and the defendant shall be permitted to present
 27 additional information bearing on the issue of sentence.

 558.046. The sentencing court may, upon petition, reduce any term of sentence or
 2 probation pronounced by the court or a term of conditional release or parole pronounced by the
 3 state board of probation and parole if the court determines that:

4 (1) The convicted person was:

5 (a) Convicted of an offense that did not involve violence or the threat of violence; and

6 (b) Convicted of an offense that involved alcohol or illegal drugs; ~~and~~

7 (2) Since the commission of such offense, the convicted person has successfully
 8 completed a detoxification and rehabilitation program; and

9 (3) The convicted person is not:

10 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
 11 misdemeanor offender as defined by section 558.016; ~~or~~

12 (b) A **predatory sexual offender as defined in section 566.123 or a prior sexual**
 13 **offender or a persistent sexual offender as defined in section [566.125] 566.124;** or

14 (c) A prior offender, a persistent offender or a class X offender, as **previously** defined
 15 in section 558.019.

 559.115. 1. Neither probation nor parole shall be granted by the circuit court between
 2 the time the transcript on appeal from the offender's ~~[conviction]~~ **finding of guilt** has been filed
 3 in appellate court and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon
 5 its own motion and not that of the state or the offender shall have the power to grant probation
 6 to an offender anytime up to one hundred twenty days after such offender has been delivered to

7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this subsection or order such placement under subsection
14 4 of section 559.036. Upon the recommendation or order of the court, the department of
15 corrections shall assess each offender to determine the appropriate one hundred twenty-day
16 program in which to place the offender, which may include placement in the shock incarceration
17 program or institutional treatment program. When the court recommends and receives placement
18 of an offender in a department of corrections one hundred twenty-day program, the offender shall
19 be released on probation if the department of corrections determines that the offender has
20 successfully completed the program except as follows. Upon successful completion of a
21 program under this subsection, the board of probation and parole shall advise the sentencing
22 court of an offender's probationary release date thirty days prior to release. The court shall
23 follow the recommendation of the department unless the court determines that probation is not
24 appropriate. If the court determines that probation is not appropriate, the court may order the
25 execution of the offender's sentence only after conducting a hearing on the matter within ninety
26 to one hundred twenty days from the date the offender was delivered to the department of
27 corrections. If the department determines the offender has not successfully completed a one
28 hundred twenty-day program under this subsection, the offender shall be removed from the
29 program and the court shall be advised of the removal. The department shall report on the
30 offender's participation in the program and may provide recommendations for terms and
31 conditions of an offender's probation. The court shall then have the power to grant probation or
32 order the execution of the offender's sentence.

33 4. If the court is advised that an offender is not eligible for placement in a one hundred
34 twenty-day program under subsection 3 of this section, the court shall consider other authorized
35 dispositions. If the department of corrections one hundred twenty-day program under subsection
36 3 of this section is full, the court may place the offender in a private program approved by the
37 department of corrections or the court, the expenses of such program to be paid by the offender,
38 or in an available program offered by another organization. If the offender is convicted of a class
39 C, class D, or class E nonviolent felony, the court may order probation while awaiting
40 appointment to treatment.

41 5. Except when the offender has been found to be a predatory sexual offender pursuant
42 to section ~~[566.125]~~ **566.123**, the court shall request the department of corrections to conduct a

43 sexual offender assessment if the defendant has been found guilty of sexual abuse when
44 classified as a class B felony. Upon completion of the assessment, the department shall provide
45 to the court a report on the offender and may provide recommendations for terms and conditions
46 of an offender's probation. The assessment shall not be considered a one hundred twenty-day
47 program as provided under subsection 3 of this section. The process for granting probation to
48 an offender who has completed the assessment shall be as provided under subsections 2 and 6
49 of this section.

50 6. Unless the offender is being granted probation pursuant to successful completion of
51 a one hundred twenty-day program the circuit court shall notify the state in writing when the
52 court intends to grant probation to the offender pursuant to the provisions of this section. The
53 state may, in writing, request a hearing within ten days of receipt of the court's notification that
54 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
55 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
56 writing within ten days, the court may proceed upon its own motion to grant probation.

57 7. An offender's first incarceration under this section prior to release on probation shall
58 not be considered a previous prison commitment for the purpose of determining a minimum
59 prison term under the provisions of section 558.019.

60 8. Notwithstanding any other provision of law, probation may not be granted pursuant
61 to this section to offenders who have been convicted of murder in the second degree pursuant
62 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,
63 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060
64 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory
65 rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant
66 to section 566.062; child molestation in the first degree pursuant to section 566.067 when
67 classified as a class A felony; abuse **or neglect** of a child pursuant to section 568.060 when
68 classified as a class A felony; or an offender who has been found to be a predatory sexual
69 offender pursuant to section ~~[566.125]~~ **566.123**; or any offense in which there exists a statutory
70 prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as
2 a three-year pilot program, a mental health assessment process.

3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is
4 hearing the criminal case in a participating county may request that an offender be placed in the
5 department of corrections for one hundred twenty days for a mental health assessment and for
6 treatment if it appears that the offender has a mental disorder or mental illness such that the
7 offender may qualify for probation including community psychiatric rehabilitation (CPR)
8 programs and such probation is appropriate and not inconsistent with public safety. Before the

9 judge rules upon the motion, the victim shall be given notice of such motion and the opportunity
10 to be heard. Upon recommendation of the court, the department shall determine the offender's
11 eligibility for the mental health assessment process.

12 3. Following this assessment and treatment period, an assessment report shall be sent to
13 the sentencing court and the sentencing court may, if appropriate, release the offender on
14 probation. The offender shall be supervised on probation by a state probation and parole officer,
15 who shall work cooperatively with the department of mental health to enroll eligible offenders
16 in community psychiatric rehabilitation (CPR) programs.

17 4. Notwithstanding any other provision of law, probation shall not be granted under this
18 section to offenders who:

19 (1) Have been found guilty of, or plead guilty to, murder in the second degree under
20 section 565.021;

21 (2) Have been found guilty of, or plead guilty to, rape in the first degree under section
22 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013;

23 (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under
24 section 566.032;

25 (4) Have been found guilty of, or plead guilty to, sodomy in the first degree under section
26 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013;

27 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree
28 under section 566.062;

29 (6) Have been found guilty of, or plead guilty to, child molestation in the first degree
30 under section 566.067 when classified as a class A felony;

31 (7) Have been found to be a predatory sexual offender under section ~~[566.125]~~ **566.123**;
32 or

33 (8) Have been found guilty of, or plead guilty to, any offense for which there exists a
34 statutory prohibition against either probation or parole.

35 5. At the end of the three-year pilot, the director of the department of corrections and the
36 director of the department of mental health shall jointly submit recommendations to the governor
37 and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.030. 1. A person commits the offense of rape in the first degree if he or she has
2 sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the
3 capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use
4 of a substance administered without a victim's knowledge or consent which renders the victim
5 physically or mentally impaired so as to be incapable of making an informed consent to sexual
6 intercourse.

7 2. The offense of rape in the first degree or an attempt to commit rape in the first degree
8 is a felony for which the authorized term of imprisonment is life imprisonment or a term of years
9 not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than fifteen years;

12 (2) The person is **a prior sexual offender or a persistent sexual offender as defined**
13 **in section 566.124** or a predatory sexual offender as defined in section ~~[566.125]~~ **566.123** and
14 subjected to an extended term of imprisonment under said section;

15 (3) The victim is a child less than twelve years of age, in which case the required term
16 of imprisonment is life imprisonment without eligibility for probation or parole until the offender
17 has served not less than thirty years of such sentence or unless the offender has reached the age
18 of seventy-five years and has served at least fifteen years of such sentence, unless such rape in
19 the first degree is described under subdivision (4) of this subsection; or

20 (4) The victim is a child less than twelve years of age and such rape in the first degree
21 or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or
22 inhumane, in that it involved torture or depravity of mind, in which case the required term of
23 imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

24 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
25 been found guilty of rape in the first degree or attempt to commit rape in the first degree when
26 the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for
27 the duration of a person's natural life for the purposes of this section.

28 4. No person found guilty of rape in the first degree or an attempt to commit rape in the
29 first degree shall be granted a suspended imposition of sentence or suspended execution of
30 sentence.

566.032. 1. A person commits the offense of statutory rape in the first degree if he or
2 she has sexual intercourse with another person who is less than fourteen years of age.

3 2. The offense of statutory rape in the first degree or an attempt to commit statutory rape
4 in the first degree is a felony for which the authorized term of imprisonment is life imprisonment
5 or a term of years not less than five years, unless:

6 (1) The offense is an aggravated sexual offense, or the victim is less than twelve years
7 of age in which case the authorized term of imprisonment is life imprisonment or a term of years
8 not less than ten years; or

9 (2) The person is **a prior sexual offender or a persistent sexual offender as defined**
10 **in section 566.124** or a predatory sexual offender as defined in section ~~[566.125 and subjected~~
11 ~~to an extended term of imprisonment under said section]~~ **566.123**.

566.060. 1. A person commits the offense of sodomy in the first degree if he or she has
2 deviate sexual intercourse with another person who is incapacitated, incapable of consent, or
3 lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes
4 the use of a substance administered without a victim's knowledge or consent which renders the
5 victim physically or mentally impaired so as to be incapable of making an informed consent to
6 sexual intercourse.

7 2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first
8 degree is a felony for which the authorized term of imprisonment is life imprisonment or a term
9 of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than ten years;

12 (2) The person is **a prior sexual offender or a persistent sexual offender as defined**
13 **in section 566.124 or a predatory sexual offender as defined in section [566.125 and subjected**
14 **to an extended term of imprisonment under said section] 566.123;**

15 (3) The victim is a child less than twelve years of age, in which case the required term
16 of imprisonment is life imprisonment without eligibility for probation or parole until the offender
17 has served not less than thirty years of such sentence or unless the offender has reached the age
18 of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy
19 in the first degree is described under subdivision (4) of this subsection; or

20 (4) The victim is a child less than twelve years of age and such sodomy in the first degree
21 or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or
22 inhumane, in that it involved torture or depravity of mind, in which case the required term of
23 imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

24 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
25 been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first
26 degree when the victim is less than twelve years of age, and "life imprisonment" shall mean
27 imprisonment for the duration of a person's natural life for the purposes of this section.

28 4. No person found guilty of sodomy in the first degree or an attempt to commit sodomy
29 in the first degree shall be granted a suspended imposition of sentence or suspended execution
30 of sentence.

566.062. 1. A person commits the offense of statutory sodomy in the first degree if he
2 or she has deviate sexual intercourse with another person who is less than fourteen years of age.

3 2. The offense of statutory sodomy in the first degree or an attempt to commit statutory
4 sodomy in the first degree is a felony for which the authorized term of imprisonment is life
5 imprisonment or a term of years not less than five years, unless:

6 (1) The offense is an aggravated sexual offense or the victim is less than twelve years
7 of age, in which case the authorized term of imprisonment is life imprisonment or a term of years
8 not less than ten years; or

9 (2) The person is **a prior sexual offender or a persistent sexual offender as defined**
10 **in section 566.124 or a predatory sexual offender as defined in section [566.125 and subjected**
11 **to an extended term of imprisonment under said section] 566.123.**

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

2 (1) **"Predatory sexual offender", any person who has been found guilty of**
3 **committing or attempting to commit a predatory sexual offense and who has, prior to that**
4 **finding:**

5 (a) **Committed another act that would constitute a predatory sexual offense,**
6 **regardless of whether the other act was charged or resulted in a finding of guilt; or**

7 (b) **Committed an act or acts against more than one victim that would constitute**
8 **a predatory sexual offense, regardless of whether the defendant was charged with an**
9 **additional offense or offenses as a result of such act or acts;**

10 (2) **"Predatory sexual offense", statutory rape in the first degree, statutory sodomy**
11 **in the first degree, rape in the first degree, sodomy in the first degree, forcible rape,**
12 **forcible sodomy, rape, sodomy, child molestation in the first degree when classified as a**
13 **class A or B felony, child molestation in the second degree when classified as a class A or**
14 **B felony, sexual abuse when classified as a class B felony, sexual abuse in the first degree**
15 **when classified as a class B felony, or an attempt to commit any of these offenses, or the**
16 **commission of an offense in another jurisdiction that if committed in this state would**
17 **constitute the commission of any of the listed offenses.**

18 2. **The court shall sentence a person to life without eligibility for probation or**
19 **parole if it finds the defendant is a predatory sexual offender. Subsection 4 of section**
20 **558.019 shall not apply to any person imprisoned under this subsection for the purposes**
21 **of determining the minimum prison term or the length of sentence as defined or used in**
22 **such subsection. Notwithstanding any other provision of law, in no event shall a person**
23 **found to be a predatory sexual offender receive a final discharge from parole.**

24 3. **Notwithstanding any other provision of law, the department of corrections, or**
25 **any division thereof, shall not furlough an individual found to be and sentenced as a**
26 **persistent sexual offender as defined in section 566.124 or a predatory sexual offender.**

27 4. **The punishment imposed under this section shall be in addition to any**
28 **punishment provided by law for the offense of which the defendant has been previously**
29 **found guilty, or the act which would constitute an offense, regardless of whether the act**
30 **was charged or resulted in a finding of guilt.**

31 **5. In determining whether a defendant is a predatory sexual offender:**

32 **(1) Prior findings of guilt shall be pleaded and proven in the same manner required**
33 **by the provisions of section 558.021;**

34 **(2) Acts that would constitute an offense that were not charged or did not result in**
35 **a finding of guilt shall be pleaded and proven as follows:**

36 **(a) In a trial without a jury or upon a plea of guilty, the acts shall be pleaded and**
37 **proven in the same manner required under section 558.021. The court may defer the proof**
38 **and findings establishing the defendant is a predatory sexual offender to a later time, but**
39 **prior to sentencing. The facts required to prove the defendant is a predatory sexual**
40 **offender may be established by judicial notice of prior testimony or the plea of guilty;**

41 **(b) Notwithstanding any other provision of law, if an offense is submitted to the**
42 **jury, the trial shall proceed in multiple stages. If the jury at the first stage of a trial finds**
43 **the defendant guilty of the submitted offense, the second stage of the trial shall proceed.**
44 **The issue at the second stage of the trial shall be whether the defendant is a predatory**
45 **sexual offender. The state shall be the first to proceed. The court shall instruct the jury.**
46 **The attorneys may argue the issue of whether the defendant is a predatory sexual offender**
47 **to the jury, and the state shall have the right to open and close the argument. The jury**
48 **shall determine whether the defendant is a predatory sexual offender beyond a reasonable**
49 **doubt. If the jury determines that the defendant is a predatory sexual offender, the court**
50 **shall not seek an advisory verdict from the jury. If the jury determines that the defendant**
51 **is not a predatory sexual offender, a third stage of the trial shall proceed, unless jury**
52 **sentencing is removed under section 557.036. The issue at the third stage of the trial shall**
53 **be the punishment to be assessed and declared. The third stage of the trial shall proceed**
54 **in the same manner required under section 557.036. The parties may present additional**
55 **evidence in this stage and may argue evidence presented at the first stage or the second**
56 **stage.**

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

2 **(1) "Persistent sexual offender", a person who has been found guilty of two or more**
3 **sexual offenses;**

4 **(2) "Prior sexual offender", a person who has been found guilty of one sexual**
5 **offense;**

6 **(3) "Sexual offense", any offense under chapter 566, or an attempt to commit any**
7 **such offense, or the commission of an offense in another jurisdiction that if committed in**
8 **this state would constitute the commission of any of the listed offenses, or any offense that**
9 **requires registration under section 589.400.**

10 **2. No court shall suspend the imposition of sentence as to a prior or persistent**
11 **sexual offender under this section nor sentence such person to pay a fine in lieu of a term**
12 **of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such person**
13 **be eligible for parole or probation until such person has served a minimum of three years'**
14 **imprisonment.**

15 **3. The court shall find the defendant to be a prior sexual offender or persistent**
16 **sexual offender, if:**

17 **(1) The indictment or information, original or amended, or the information in lieu**
18 **of an indictment pleads all essential facts warranting a finding that the defendant is a prior**
19 **sexual offender or persistent sexual offender;**

20 **(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a**
21 **finding beyond a reasonable doubt the defendant is a prior sexual offender or persistent**
22 **sexual offender; and**

23 **(3) The court makes findings of fact that warrant a finding beyond a reasonable**
24 **doubt by the court that the defendant is a prior sexual offender or persistent sexual**
25 **offender.**

26 **4. In a jury trial, such facts shall be pleaded, established, and found prior to**
27 **submission to the jury outside of its hearing.**

28 **5. In a trial without a jury or upon a plea of guilty, the court may defer the proof**
29 **in findings of such facts to a later time, but prior to sentencing.**

30 **6. The defendant shall be accorded full rights of confrontation and**
31 **cross-examination, with the opportunity to present evidence, at such hearings.**

32 **7. The defendant may waive proof of the facts alleged.**

33 **8. Nothing in this section shall prevent the use of presentence investigations or**
34 **commitments.**

35 **9. At the sentencing hearing both the state and the defendant shall be permitted to**
36 **present additional information bearing on the issue of sentence.**

37 **10. The findings of guilt shall be prior to the date of commission of the present**
38 **offense.**

39 **11. The court shall not instruct the jury as to the range of punishment or allow the**
40 **jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in**
41 **cases of prior sexual offenders or persistent sexual offenders.**

42 **12. Evidence of prior findings of guilt shall be heard and determined by the trial**
43 **court out of the hearing of the jury prior to the submission of the case to the jury and shall**
44 **include, but not be limited to, evidence of findings of guilt received by a search of the**

45 records of the Missouri uniform law enforcement system maintained by the Missouri state
46 highway patrol. After hearing the evidence, the court shall enter its findings thereon.

47 **13. The court shall sentence a person who has been found to be a prior sexual**
48 **offender to the authorized term of imprisonment for the class one step higher than the**
49 **offense for which the person was found guilty.**

50 **14. The court shall sentence a person who has been found to be a persistent sexual**
51 **offender to the authorized term of imprisonment for the class two steps higher than the**
52 **offense for which the person was found guilty. A person found to be a persistent sexual**
53 **offender who is found guilty of a class B felony shall be sentenced to the authorized term**
54 **of imprisonment for a class A felony. A person found to be a prior or persistent sexual**
55 **offender who is found guilty of a class A felony or a felony for which the maximum**
56 **punishment is thirty years or more shall be sentenced to life imprisonment without the**
57 **eligibility for probation or parole.**

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found
2 guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
4 incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of
5 section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a
6 sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205,
7 promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography in the first degree; section 573.035, promoting
9 child pornography in the second degree; section 573.037, possession of child pornography, or
10 section 573.040, furnishing pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
12 violation listed in this section[;]

13

14 shall not reside within one thousand feet of any public school as defined in section 160.011, any
15 private school giving instruction in a grade or grades not higher than the twelfth grade, or any
16 child care facility that is licensed under chapter 210, or any child care facility as defined in
17 section 210.201 that is exempt from state licensure but subject to state regulation under section
18 210.252 and holds itself out to be a child care facility, where the school or facility is in existence
19 at the time the individual begins to reside at the location. **A school or child care facility shall**
20 **include all facilities and grounds thereof, and measurements of distance for the purposes**
21 **of this section shall begin at the property line of the school or child care facility.**

22 2. If such person has already established a residence and a public school, a private
23 school, or child care facility is subsequently built or placed within one thousand feet of such

24 person's residence, then such person shall, within one week of the opening of such public school,
25 private school, or child care facility, notify the county sheriff where such public school, private
26 school, or child care facility is located that he or she is now residing within one thousand feet of
27 such public school, private school, or child care facility and shall provide verifiable proof to the
28 sheriff that he or she resided there prior to the opening of such public school, private school, or
29 child care facility.

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

32 4. Violation of the provisions of subsection 1 of this section is a class E felony except
33 that the second or any subsequent violation is a class B felony. Violation of the provisions of
34 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
35 violation is a class E felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

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

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

24 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
25 sexual performance; or promoting sexual performance by a child; or

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

28 ~~[(4)]~~ (3) Any person who, since July 1, 1979, has been found not guilty as a result of
29 mental disease or defect of any offense ~~[listed]~~ **referenced** in ~~[subdivision (1) or (2) of this~~
30 ~~subsection]~~ **section 589.414**; ~~[or]~~

31 ~~[(5)]~~ (4) Any juvenile certified as an adult and transferred to a court of general
32 jurisdiction who has been ~~[convicted of, found guilty of, or has pleaded guilty or nolo contendere~~
33 ~~to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which~~
34 ~~is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which~~
35 ~~shall include any attempt or conspiracy to commit such offense;]~~ **adjudicated for an offense**
36 **listed under section 589.414**;

37 ~~[(6)]~~ (5) Any juvenile fourteen years of age or older at the time of the offense who has
38 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse
39 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
40 offense;

41 ~~[(7)]~~ (6) Any person who is a resident of this state who has, since July 1, 1979, **been** or
42 is hereafter ~~[convicted of, been found guilty of, or pled guilty to or nolo contendere]~~ **adjudicated**
43 in any other state, **territory, the District of Columbia**, or foreign country, or under federal,
44 tribal, or military jurisdiction ~~[to committing, attempting to commit, or conspiring to commit]~~
45 **for an offense which, if committed in this state, would [be a violation of chapter 566, or a felony**
46 **violation of any offense listed in subdivision (2) of this subsection]** **constitute an offense listed**
47 **under section 589.414**, or has been or is required to register in another state, **territory, the**
48 **District of Columbia, or foreign country**, or has been or is required to register under tribal,
49 federal, or military law; or

50 ~~[(8)]~~ (7) Any person who has been or is required to register in another state, **territory,**
51 **the District of Columbia, or foreign country**, or has been or is required to register under tribal,
52 federal, or military law and who works or attends an educational institution, whether public or
53 private in nature, including any secondary school, trade school, professional school, or institution
54 of higher education on a full-time or on a part-time basis or has a temporary residence in
55 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
56 period.

57 2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business**
58 days of ~~[conviction]~~ **adjudication**, release from incarceration, or placement upon probation,
59 register with the chief law enforcement official of the county or city not within a county in which

60 such person resides unless such person has already registered in that county for the same offense.
61 **For any juvenile under subdivision (5) of subsection 1 of this section, within three business**
62 **days of adjudication or release from commitment to the division of youth services, the**
63 **department of mental health, or other placement, such juvenile shall register with the chief**
64 **law enforcement official of the county or city not within a county in which he or she resides**
65 **unless he or she has already registered in such county or city not within a county for the**
66 **same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently
67 registered in their county of residence shall register with the chief law enforcement official of
68 such county or city not within a county within three **business** days. The chief law enforcement
69 official shall forward a copy of the registration form required by section 589.407 to a city, town,
70 village, or campus law enforcement agency located within the county of the chief law
71 enforcement official[, if so requested. Such request may ask the chief law enforcement official
72 to forward copies of all registration forms filed with such official. The chief law enforcement
73 official may forward a copy of such registration form to any city, town, village, or campus law
74 enforcement agency, if so requested].

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

- 77 (1) All offenses requiring registration are reversed, vacated, or set aside;
78 (2) [~~The registrant is pardoned of the offenses requiring registration;~~
79 ~~—(3)] The registrant is no longer required to register and his or her name shall be removed
80 from the registry under the provisions of [~~subsection 6 of this~~] section **589.414**; or
81 [~~(4)~~] **(3)** The [~~registrant may petition the court for removal or exemption from the~~
82 ~~registry under subsection 7 or 8 of this section and the~~] court orders the removal or exemption
83 of such person from the registry **under section 589.401.**~~

84 4. **The registration requirements shall be as follows:**

- 85 **(1) Fifteen years if the offender is a tier I sex offender as provided under section**
86 **589.414;**
87 **(2) Twenty-five years if the offender is a tier II sex offender as provided under**
88 **section 589.414; or**
89 **(3) The life of the offender if the offender is a tier III sex offender.**

90 5. **(1) The registration period shall be reduced as described in subdivision (3) of**
91 **this subsection for a sex offender who maintains a clean record for the periods described**
92 **under subdivision (2) of this subsection by:**

- 93 **(a) Not being adjudicated of any offense for which imprisonment for more than one**
94 **year may be imposed;**
95 **(b) Not being adjudicated of any sex offense;**

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

98 (d) **Successfully completing an appropriate sex offender treatment program**
99 **certified by the attorney general.**

100 (2) **In the case of a:**

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

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

106 (3) **In the case of a:**

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

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

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

113 ~~[5-]~~ 7. For processing any change in registration required pursuant to section 589.414 the
114 chief law enforcement official of the county or city not within a county may charge the person
115 changing their registration a fee of five dollars for each change made after the initial registration.

116 ~~[6-]~~ 8. Any person currently on the sexual offender registry ~~[for being convicted of,~~
117 ~~found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or~~
118 ~~conspiring to commit,]~~ **or who otherwise would be required to register for being adjudicated**
119 **for the offense of felonious restraint of a nonsexual nature** when the victim was a child and
120 he or she was the parent or guardian of the child, nonsexual child abuse that was committed
121 under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and
122 he or she was the parent or guardian of the child shall be removed from the registry. However,
123 such person shall remain on the sexual offender registry for any other offense for which he or she
124 is required to register under sections 589.400 to 589.425.

125 ~~[7-]~~ 9. **The following persons shall be exempt from registering as a sexual offender**
126 **upon petition to the court of jurisdiction under section 589.401; except that, such person**
127 **shall remain on the sexual offender registry for any other offense for which he or she is**
128 **required to register under sections 589.400 to 589.425:**

129 (1) Any person currently on the sexual offender registry ~~[for having been convicted of,~~
130 ~~found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to~~
131 ~~commit, or conspiring to commit promoting prostitution in the second degree, promoting~~

132 ~~prostitution in the third degree, public display of explicit sexual material, statutory rape in the~~
133 ~~second degree, and no physical force or threat of physical force was used in the commission of~~
134 ~~the crime may file a petition in the civil division of the circuit court in the county in which the~~
135 ~~offender was convicted or found guilty of or pled guilty or nolo contendere to committing,~~
136 ~~attempting to commit, or conspiring to commit the offense or offenses for the removal of his or~~
137 ~~her name from the sexual offender registry after ten years have passed from the date he or she~~
138 ~~was required to register] or who otherwise would be required to register for a sexual offense~~
139 **involving:**

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

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

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

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

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

149 **(c) Furnishing pornographic materials to minors under section 573.040;**

150 **(d) Public display of explicit sexual material under section 573.060;**

151 **(e) Coercing acceptance of obscene material under section 573.065;**

152 **(f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced**
153 **labor under section 566.206;**

154 **(g) Abusing an individual through forced labor under section 566.203;**

155 **(h) Contributing to human trafficking through the misuse of documentation under**
156 **section 566.215; or**

157 **(i) International marriage brokers, notice to recruits under section 578.475.**

158 ~~[8. Effective August 28, 2009,]~~ **10.** Any person **currently** on the sexual offender registry
159 for having been ~~[convicted of, found guilty of, or having pled guilty or nolo contendere to an~~
160 ~~offense included under subsection 1 of this section may file a petition after two years have passed~~
161 ~~from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to~~
162 ~~the offense or offenses in the civil division of the circuit court in the county in which the offender~~
163 ~~was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for~~
164 ~~removal of his or her name from the registry if such person was nineteen years of age or younger~~
165 ~~and the victim was thirteen years of age or older at the time of the offense and no physical force~~
166 ~~or threat of physical force was used in the commission of the offense, unless such person meets~~
167 ~~the qualifications of this subsection, and such person was eighteen years of age or younger at the~~

168 time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a
169 violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor,
170 in which case, such person may immediately file a petition to remove or exempt his or her name
171 from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere
172 to such offense] **adjudicated for a tier I or II offense or adjudicated delinquent for a tier III**
173 **offense or other comparable offenses listed under section 589.414 may file a petition under**
174 **section 589.401.**

175 [9. (1) The court may grant such relief under subsection 7 or 8 of this section if such
176 person demonstrates to the court that he or she has complied with the provisions of this section
177 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
178 court in which the petition is filed must be given notice, by the person seeking removal or
179 exemption from the registry, of the petition to present evidence in opposition to the requested
180 relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of
181 the person seeking removal or exemption from the registry to notify the prosecuting attorney of
182 the petition shall result in an automatic denial of such person's petition. If the prosecuting
183 attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of
184 the crime for which the person was required to register of the petition and the dates and times
185 of any hearings or other proceedings in connection with that petition.]

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

192 [+0.] **11.** Any nonresident worker, **including work as a volunteer or intern**, or
193 nonresident student shall register for the duration of such person's employment, **including**
194 **participation as a volunteer or intern**, or attendance at any school of higher education [and is
195 not entitled to relief under the provisions of subsection 9 of this section] **whether public or**
196 **private, including any secondary school, trade school, professional school, or institution**
197 **of higher education on a full-time or part-time basis in this state unless granted relief**
198 **under section 589.401. Any registered offender shall provide information regarding any**
199 **place in which the offender is staying when away from his or her residence for seven or**
200 **more days, including the period of time the offender is staying in such place.** Any registered
201 offender from another state who has a temporary residence in this state and resides more than
202 seven days in a twelve-month period shall register for the duration of such person's temporary

203 residency [~~and is not entitled to the provisions of subsection 9 of this section~~] **unless granted**
204 **relief under section 589.401.**

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

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

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

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

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

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

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

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

26 **5. The petition shall be dismissed without prejudice if it fails to include any of the**
27 **following:**

28 **(1) The petitioner's:**

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

30 **(b) Sex;**

- 31 (c) Race;
- 32 (d) Date of birth;
- 33 (e) Last four digits of the Social Security number;
- 34 (f) Address; and
- 35 (g) Place of employment, school, or volunteer status;
- 36 (2) The offense and tier of the offense that required the petitioner to register;
- 37 (3) The date the petitioner was adjudicated for the offense;
- 38 (4) The date the petitioner was required to register;
- 39 (5) The case number and court, including the county or city not within a county,
- 40 that entered the original order for the adjudicated sex offense;
- 41 (6) Petitioner's fingerprints on an applicant fingerprint card;
- 42 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
- 43 vacated, or set aside, an authenticated copy of the order; and
- 44 (8) If the petitioner is currently registered under applicable law and has not been
- 45 adjudicated for failure to register in any jurisdiction and does not have any charges
- 46 pending for failure to register.
- 47 6. The petition shall name as respondents the Missouri state highway patrol and
- 48 the chief law enforcement official in the county or city not within a county in which the
- 49 petition is filed.
- 50 7. All proceedings under this section shall be governed under the Missouri supreme
- 51 court rules of civil procedure.
- 52 8. The person seeking removal or exemption from the registry shall provide the
- 53 prosecuting attorney in the circuit court in which the petition is filed with notice of the
- 54 petition. The prosecuting attorney may present evidence in opposition to the requested
- 55 relief or may otherwise demonstrate the reasons why the petition should be denied. Failure
- 56 of the person seeking removal or exemption from the registry to notify the prosecuting
- 57 attorney of the petition shall result in an automatic denial of such person's petition.
- 58 9. The prosecuting attorney in the circuit court in which the petition is filed shall
- 59 have access to all applicable records concerning the petitioner including, but not limited
- 60 to, criminal history records, mental health records, juvenile records, and records of the
- 61 department of corrections or probation and parole.
- 62 10. The prosecuting attorney shall make reasonable efforts to notify the victim of
- 63 the crime for which the person was required to register of the petition and the dates and
- 64 times of any hearings or other proceedings in connection with such petition.
- 65 11. The court shall not enter an order directing the removal of the petitioner's name
- 66 from the sexual offender registry unless it finds the petitioner:

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

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

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

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

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

81 **12. In order to meet the criteria required by subdivisions (1) and (2) of subsection**
82 **11 of this section, the fingerprints filed in the case shall be examined by the Missouri state**
83 **highway patrol. The petitioner shall be responsible for all costs associated with the**
84 **fingerprint-based criminal history check of both state and federal files under section**
85 **43.530.**

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

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

91 **(2) Twenty-five years have passed from the date of adjudication resulting in the**
92 **denial of relief if the petitioner is classified as a tier II offender; or**

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

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

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

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

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

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

109 **17. Any person subject to the judgment requiring his or her name to be removed**
110 **from the sexual offender registry is not required to register under sections 589.400 to**
111 **589.425 unless such person is required to register for an offense that was different from**
112 **that listed on the judgment of removal.**

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

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

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

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

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

14 (3) A physical description of the offender;

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

17 (5) Any photographs of the offender;

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

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

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;

25 (9) Compliance status of the offender with the provisions of sections 589.400 to
26 589.425; 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 and
29 shall only be available to a member of the public by a search using the specific online identifier
30 to determine if a match exists with a registered offender.

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

35 **5. Juveniles required to register under subdivision (5) of subsection 1 of section**
36 **589.400 shall be exempt from public notification to include any adjudications from another**
37 **state, territory, the District of Columbia, or foreign country or any federal, tribal, or**
38 **military jurisdiction.**

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

7 **(1) If the person plans to reside in this state,** be informed by the official in charge of
8 such correctional facility, **private jail,** or mental health institution of the person's possible duty
9 to register pursuant to sections 589.400 to 589.425. If such person is required to register
10 pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, **private**
11 **jail,** or the mental health institution shall complete the initial registration **notification at least**
12 **seven days** prior to release and forward the offender's registration, within three business days
13 **of release, to the Missouri state highway patrol and** the chief law enforcement official of the
14 county or city not within a county where the person expects to reside upon discharge, parole, or
15 release[~~. When the person lists an address where he or she expects to reside that is not in this~~
16 ~~state, the initial registration shall be forwarded to the Missouri state highway patrol.] ; or~~

17 **(2) If the person does not reside or plan to reside in Missouri,** be informed by the
18 **official in charge of such correctional facility, private jail, or mental health institution of**
19 **the person's possible duty to register under sections 589.400 to 589.425. If such person is**

20 required to register under sections 589.400 to 589.425, the official in charge of the
21 correctional facility, private jail, or the mental health institution shall complete the initial
22 registration notification at least seven days prior to release and forward the offender's
23 registration, within three business days of release, to the Missouri state highway patrol and
24 the chief law enforcement official within the county or city not within a county where the
25 correctional facility, private jail, or mental health institution is located.

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

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

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

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

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

9 (4) "Offender registration", the required minimum informational content of sex
10 offender registries, which shall consist of, but not be limited to, a full set of fingerprints on
11 a standard sex offender registration card upon initial registration in Missouri, as well as
12 all other forms required by the Missouri state highway patrol upon each initial and
13 subsequent registration;

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

16 (6) "Sex offender", any person who meets the criteria to register under sections
17 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the
18 Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248;

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

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

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

26 **(10) "Sexual element", used for the purposes of distinguishing if sexual contact or**
27 **a sexual act was committed. Authorities shall refer to information filed by the prosecutor,**
28 **amended information filed by the prosecutor, indictment information filed by the**
29 **prosecutor, or amended indictment information filed by the prosecutor, the plea**
30 **agreement, or court documentation to determine if a sexual element exists;**

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

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

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

589.405. 1. Any person [~~to whom subsection 1 of section 589.400 applies~~] **who is**
2 **required to register under sections 589.400 to 589.425 and** who is released on probation,
3 discharged upon payment of a fine, or released after confinement in a county jail shall, prior to
4 such release or discharge **and at the time of adjudication**, be informed of the possible duty to
5 register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case.
6 If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on**
7 **probation**, the court shall [~~obtain the address where the person expects to reside upon discharge,~~
8 ~~parole or release and shall~~] **make it a condition of probation that the offender** report[;] within
9 three business days[; ~~such address~~] to the chief law enforcement official of the county **of**
10 **adjudication** or city not within a county [~~where the person expects to reside, upon discharge,~~
11 ~~parole or release~~] **of adjudication to complete initial registration. If such offender is not**
12 **placed on probation, the court shall:**

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

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

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

22 **(b) Complete the initial notification of duty to register form approved by the state**
23 **judicial records committee and the Missouri state highway patrol and forward the form**
24 **within three business days to the Missouri state highway patrol and the chief law**

25 **enforcement official in the county or city not within a county where the offender was**
 26 **adjudicated.**

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

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 **or**
 3 **other format approved by the Missouri state highway patrol.** Such form shall **consist of a**
 4 **statement, including the signature of the offender, and shall** include, but is not limited to, the
 5 following:

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

16 (2) The fingerprints[;] **and** palm prints[~~and a photograph~~] of the person; [~~and~~]

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

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

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

23 (c) **Yearly if a tier 1 sex offender. Such photograph shall be taken in the month of**
 24 **the person's birth; and**

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

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

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

- 30 (2) A document verifying proof of the offender's residency; and
31 (3) A photocopy of the vehicle registration for each of the offender's vehicles.

32 **3. The Missouri state highway patrol shall maintain all required registration**
33 **information in digitized form.**

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

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

40 **6. The signed offender registration form shall serve as proof that the individual**
41 **understands his or her duty to register as a sexual offender under sections 589.400 to**
42 **589.425 and a statement to this effect shall be included on the form that the individual is**
43 **required to sign at each registration.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, [not
2 later than] **within** three business days [after each change of name, residence within the county
3 or city not within a county at which the offender is registered, employment, or student status],
4 appear in person to the chief law enforcement officer of the county or city not within a county
5 [and inform such officer of all changes in the information required by the offender. The chief
6 law enforcement officer shall immediately forward the registrant changes to the Missouri state
7 highway patrol within three business days] **if there is a change to any of the following**
8 **information:**

- 9 (1) **Name;**
10 (2) **Residence;**
11 (3) **Employment, including status as a volunteer or intern;**
12 (4) **Student status; or**
13 (5) **A termination to any of the items listed in this subsection.**

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

- 17 (1) **Vehicle information;**
18 (2) **Temporary lodging information;**
19 (3) **Temporary residence information;**
20 (4) **Email addresses, instant messaging addresses, and any other designations used**
21 **in internet communications, postings, or telephone communications; or**

22 **(5) Telephone or other cellular number, including any new forms of electronic**
23 **communication.**

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

27 ~~[2-]~~ **4. (1) If any person required by sections 589.400 to 589.425 to register changes such**
28 **person's residence or address to a different county or city not within a county, the person shall**
29 **appear in person and shall inform both the chief law enforcement official with whom the person**
30 **last registered and the chief law enforcement official of the county or city not within a county**
31 **having jurisdiction over the new residence or address in writing within three business days of**
32 **such new address and phone number, if the phone number is also changed. If any person**
33 **required by sections 589.400 to 589.425 to register changes such person's residence or**
34 **address to a different county or city not within a county and such person was convicted of**
35 **child molestation in the first degree, the person, in addition to the requirements under this**
36 **subdivision, shall also be required to be electronically monitored while relocating. Once**
37 **the person has relocated to the residence or address in a different county or city not within**
38 **a county, no electronic monitoring shall be required. Such person shall be responsible for**
39 **all costs associated with electronic monitoring.**

40 **(2) If any person required by sections 589.400 to 589.425 to register changes [their state]**
41 **his or her state, territory, the District of Columbia, or foreign country, or federal, tribal,**
42 **or military jurisdiction of residence, the person shall appear in person and shall inform both**
43 **the chief law enforcement official with whom the person was last registered and the chief law**
44 **enforcement official of the area in the new state, territory, the District of Columbia, or foreign**
45 **country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence**
46 **or address within three business days of such new address.**

47 **(3) Whenever a registrant changes residence, the chief law enforcement official of the**
48 **county or city not within a county where the person was previously registered shall inform the**
49 **Missouri state highway patrol of the change within three business days. When the registrant is**
50 **changing the residence to a new state, territory, the District of Columbia, or foreign country,**
51 **or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the**
52 **responsible official in the new state, territory, the District of Columbia, or foreign country,**
53 **or federal, tribal, or military jurisdiction of residence within three business days.**

54 ~~[3-]~~ **5. Tier I sexual offenders, in addition to the requirements of subsections 1 [and 2]**
55 **to 4 of this section, [the following offenders] shall report in person to the chief law enforcement**
56 **[agency every ninety days] official annually in the month of their birth to verify the**

57 information contained in their statement made pursuant to section 589.407. **Tier I sexual**
58 **offenders include:**

59 (1) Any offender ~~[registered as a predatory or persistent sexual offender under the~~
60 ~~definitions found in section 566.125]~~ **who has been adjudicated for the offense of:**

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

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

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

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

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

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

71 (g) **Sexual conduct under section 566.116 with a nursing facility resident or**
72 **vulnerable person;**

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

75 (i) **Sex with an animal under section 566.111;**

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

78 (k) **Possession of child pornography under section 573.037;**

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

80 (m) **Sexual misconduct in the second degree under section 566.095; or**

81 (n) **Invasion of privacy under section 565.252 if the victim is less than eighteen**
82 **years of age;**

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

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

87 ~~——4.] Any offender who is or has been adjudicated in any other state, territory, the~~
88 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**
89 **of an offense of a sexual nature or with a sexual element that is comparable to the tier I**
90 **sexual offenses listed in this subsection or, if not comparable to those in this subsection,**
91 **comparable to those described as tier I offenses under the Sex Offender Registration and**

92 **Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub.**
93 **L. 109-248.**

94 **6. Tier II sexual offenders**, in addition to the requirements of subsections 1 ~~[and 2]~~ to
95 **4** of this section, ~~[all registrants]~~ shall report semiannually in person in the month of their birth
96 and six months thereafter to the chief law enforcement ~~[agency]~~ **official** to verify the information
97 contained in their statement made pursuant to section 589.407. ~~[All registrants shall allow the~~
98 ~~chief law enforcement officer to take a current photograph of the offender in the month of his~~
99 ~~or her birth to the chief law enforcement agency.]~~ **Tier II sexual offenders include:**

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

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

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

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

107 **(d) Enticement of a child under section 566.151;**

108 **(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and**
109 **the victim is thirteen to seventeen years of age;**

110 **(f) Sexual exploitation of a minor under section 573.023;**

111 **(g) Promoting child pornography in the first degree under section 573.025;**

112 **(h) Promoting child pornography in the second degree under section 573.035;**

113 **(i) Patronizing prostitution under section 567.030;**

114 **(j) Sexual contact with a prisoner or offender under section 566.145 if the victim**
115 **is thirteen to seventeen years of age;**

116 **(k) Child molestation in the fourth degree under section 566.071 if the victim is**
117 **thirteen to seventeen years of age;**

118 **(l) Sexual misconduct involving a child under section 566.083 if it is a first offense**
119 **and the penalty is a term of imprisonment of more than a year; or**

120 **(m) Age misrepresentation with intent to solicit a minor under section 566.153;**

121 **(2) Any person who is adjudicated of an offense comparable to a tier I offense listed**
122 **in this section or failure to register offense under section 589.425 or comparable out-of-**
123 **state failure to register offense and who is already required to register as a tier I offender**
124 **due to having been adjudicated of a tier I offense on a previous occasion; or**

125 **(3) Any person who is or has been adjudicated in any other state, territory, the**
126 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**
127 **for an offense of a sexual nature or with a sexual element that is comparable to the tier II**

128 **sexual offenses listed in this subsection or, if not comparable to those in this subsection,**
129 **comparable to those described as tier II offenses under the Sex Offender Registration and**
130 **Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub.**
131 **L. 109-248.**

132 **7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of**
133 **this section, shall report in person to the chief law enforcement official every ninety days**
134 **to verify the information contained in their statement made under section 589.407. Tier**
135 **III sexual offenders include:**

136 **(1) Any offender registered as a predatory sexual offender as defined in section**
137 **566.123 or a persistent sexual offender as defined in section 566.124;**

138 **(2) Any offender who has been adjudicated for the crime of:**

139 **(a) Rape in the first degree under section 566.030;**

140 **(b) Statutory rape in the first degree under section 566.032;**

141 **(c) Rape in the second degree under section 566.031;**

142 **(d) Endangering the welfare of a child in the first degree under section 568.045 if**
143 **the offense is sexual in nature;**

144 **(e) Sodomy in the first degree under section 566.060;**

145 **(f) Statutory sodomy under section 566.062;**

146 **(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of**
147 **age;**

148 **(h) Sodomy in the second degree under section 566.061;**

149 **(i) Sexual misconduct involving a child under section 566.083 if the offense is a**
150 **second or subsequent offense;**

151 **(j) Sexual abuse in the first degree under section 566.100 if the victim is under**
152 **thirteen years of age;**

153 **(k) Kidnapping in the first degree under section 565.110 if the victim is under**
154 **eighteen years of age, excluding kidnapping by a parent or guardian;**

155 **(l) Child kidnapping under section 565.115;**

156 **(m) Sexual conduct with a nursing facility resident or vulnerable person in the first**
157 **degree under section 566.115 if the punishment is greater than a year;**

158 **(n) Incest under section 568.020;**

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

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

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

- 163 **(r) Child molestation in the third degree under section 566.069 if the victim is under**
164 **thirteen years of age;**
- 165 **(s) Promoting prostitution in the first degree under section 567.050 if the victim is**
166 **under eighteen years of age;**
- 167 **(t) Promoting prostitution in the second degree under section 567.060 if the victim**
168 **is under eighteen years of age;**
- 169 **(u) Promoting prostitution in the third degree under section 567.070 if the victim**
170 **is under eighteen years of age;**
- 171 **(v) Promoting travel for prostitution under section 567.085 if the victim is under**
172 **eighteen years of age;**
- 173 **(w) Trafficking for the purpose of sexual exploitation under section 566.209 if the**
174 **victim is under eighteen years of age;**
- 175 **(x) Sexual trafficking of a child in the first degree under section 566.210;**
- 176 **(y) Sexual trafficking of a child in the second degree under section 566.211;**
- 177 **(z) Genital mutilation of a female child under section 568.065;**
- 178 **(aa) Statutory rape in the second degree under section 566.034;**
- 179 **(bb) Child molestation in the fourth degree under section 566.071 if the victim is**
180 **under thirteen years of age;**
- 181 **(cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term**
182 **of imprisonment of more than a year;**
- 183 **(dd) Patronizing prostitution under section 567.030 if the offender is a persistent**
184 **offender;**
- 185 **(ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and**
186 **the victim is under thirteen years of age;**
- 187 **(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim**
188 **is under thirteen years of age;**
- 189 **(gg) Sexual intercourse with a prisoner or offender under section 566.145;**
- 190 **(hh) Sexual contact with a student under section 566.086 if the victim is under**
191 **thirteen years of age;**
- 192 **(ii) Use of a child in a sexual performance under section 573.200; or**
- 193 **(jj) Promoting a sexual performance by a child under section 573.205;**
- 194 **(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II**
195 **offense listed in this section or failure to register offense under section 589.425, or other**
196 **comparable out-of-state failure to register offense, who has been or is already required to**
197 **register as a tier II offender because of having been adjudicated for a tier II offense, two**

198 tier I offenses, or combination of a tier I offense and failure to register offense, on a
199 previous occasion;

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

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

209 ~~[5-]~~ 8. In addition to the requirements of subsections 1 ~~[and 2]~~ to 7 of this section, all
210 Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any school
211 ~~[or training]~~ **whether public or private, including any secondary school, trade school,**
212 **professional school, or institution of higher education**, on a full-time or part-time basis ~~[in~~
213 ~~any other state]~~ **or have a temporary residence in this state** shall be required to report in
214 person to the chief law enforcement officer in the area of the state where they work, **including**
215 **as a volunteer or unpaid intern**, or attend any school or training and register in that state.
216 "Part-time" in this subsection means for more than seven days in any twelve-month period.

217 ~~[6-]~~ 9. If a person~~[-]~~ who is required to register as a sexual offender under sections
218 589.400 to 589.425~~[-]~~ changes or obtains a new online identifier as defined in section 43.651,
219 the person shall report such information in the same manner as a change of residence before
220 using such online identifier.

589.426. 1. Any person required to register as a sexual offender under sections 589.400
2 to 589.425 shall ~~[be required]~~ **avoid all Halloween-related contact with children, and** on
3 October thirty-first of each year ~~[to]~~:

4 (1) ~~[Avoid all Halloween-related contact with children;~~

5 ~~——(2)]~~ Remain inside his or her residence between the hours of 5 p.m. and 10:30 p.m.
6 unless required to be elsewhere for just cause~~[-]~~ including, but not limited to, employment or
7 medical emergencies;

8 ~~[(3)]~~ (2) Post a sign at his or her residence stating, "No candy or treats at this residence";
9 and

10 ~~[(4)]~~ (3) Leave all outside residential lighting off during the evening hours after 5 p.m.

11 2. Any person required to register as a sexual offender under sections 589.400 to 589.425
12 who violates the provisions of subsection 1 of this section shall be guilty of a class A
13 misdemeanor.

- ~~[566.125. 1. The court shall sentence a person to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and has been found guilty of attempting to commit or committing the following offenses:~~
- ~~(1) Statutory rape in the first degree or statutory sodomy in the first degree;~~
 - ~~(2) Rape in the first degree or sodomy in the first degree;~~
 - ~~(3) Forcible rape;~~
 - ~~(4) Forcible sodomy;~~
 - ~~(5) Rape;~~
 - ~~(6) Sodomy.~~
- ~~2. A "persistent sexual offender" is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section or one who has previously been found guilty of an offense in any other jurisdiction which would constitute any of the offenses listed in subsection 1 of this section.~~
- ~~3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.~~
- ~~4. The court shall sentence a person to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing child molestation in the first or second degree or sexual abuse when classified as a class B felony.~~
- ~~5. For purposes of this section, a "predatory sexual offender" is a person who:~~
- ~~(1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first or second degree, or sexual abuse when classified as a class B felony; or~~
 - ~~(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or~~
 - ~~(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.~~
- ~~6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or~~

44 used in such subsection. Notwithstanding any other provision of law, in no event
45 shall a person found to be a predatory sexual offender receive a final discharge
46 from parole.

47 ~~7. Notwithstanding any other provision of law, the court shall set the~~
48 ~~minimum time required to be served before a predatory sexual offender is eligible~~
49 ~~for parole, conditional release or other early release by the department of~~
50 ~~corrections. The minimum time to be served by a person found to be a predatory~~
51 ~~sexual offender who:~~

52 ~~(1) Has previously been found guilty of committing or attempting to~~
53 ~~commit any of the offenses listed in subsection 1 of this section and is found~~
54 ~~guilty of committing or attempting to commit any of the offenses listed in~~
55 ~~subsection 1 of this section shall be any number of years but not less than thirty~~
56 ~~years;~~

57 ~~(2) Has previously been found guilty of child molestation in the first or~~
58 ~~second degree, or sexual abuse when classified as a class B felony and is found~~
59 ~~guilty of attempting to commit or committing any of the offenses listed in~~
60 ~~subsection 1 of this section shall be any number of years but not less than fifteen~~
61 ~~years;~~

62 ~~(3) Has previously been found guilty of committing or attempting to~~
63 ~~commit any of the offenses listed in subsection 1 of this section, or committing~~
64 ~~child molestation in the first or second degree, or sexual abuse when classified~~
65 ~~as a class B felony shall be any number of years but not less than fifteen years;~~

66 ~~(4) Has previously been found guilty of child molestation in the first~~
67 ~~degree or second degree, or sexual abuse when classified as a class B felony, and~~
68 ~~is found guilty of child molestation in the first or second degree, or sexual abuse~~
69 ~~when classified as a class B felony shall be any number of years but not less than~~
70 ~~fifteen years;~~

71 ~~(5) Is found to be a predatory sexual offender pursuant to subdivision (2)~~
72 ~~or (3) of subsection 5 of this section shall be any number of years within the~~
73 ~~range to which the person could have been sentenced pursuant to the applicable~~
74 ~~law if the person was not found to be a predatory sexual offender.~~

75 ~~8. Notwithstanding any provision of law to the contrary, the department~~
76 ~~of corrections, or any division thereof, may not furlough an individual found to~~
77 ~~be and sentenced as a persistent sexual offender or a predatory sexual offender.]~~

✓