

FIRST REGULAR SESSION

HOUSE BILL NO. 561

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

0124H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 589.414, RSMo, and to enact in lieu thereof one new section relating to a sexual offender's duty to report.

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

Section A. Section 589.414, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 589.414, to read as follows:

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

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

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

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

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.

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

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

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

41 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
42 section, shall report in person to the chief law enforcement official annually in the month of their
43 birth to verify the information contained in their statement made pursuant to section 589.407.
44 Tier I sexual offenders include:

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

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

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

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

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

- 53 (e) Kidnapping in the third degree under section 565.130;
- 54 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
55 under section 566.115 if the punishment is less than one year;
- 56 (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable
57 person;
- 58 (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is
59 eighteen years of age or older;
- 60 (i) Sex with an animal under section 566.111;
- 61 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
62 is eighteen years of age or older;
- 63 (k) Possession of child pornography under section 573.037;
- 64 (l) Sexual misconduct in the first degree under section 566.093;
- 65 (m) Sexual misconduct in the second degree under section 566.095;
- 66 (n) Child molestation in the second degree under section 566.068 as it existed prior to
67 January 1, 2017, if the punishment is ~~[less than]~~ one year **or less**; or
- 68 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of
69 age;
- 70 (2) Any offender who is or has been adjudicated in any other state, territory, the District
71 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of
72 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in
73 this subsection or, if not comparable to those in this subsection, comparable to those described
74 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
75 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 76 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
77 section, shall report semiannually in person in the month of their birth and six months thereafter
78 to the chief law enforcement official to verify the information contained in their statement made
79 pursuant to section 589.407. Tier II sexual offenders include:
- 80 (1) Any offender who has been adjudicated for the offense of:
- 81 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen
82 to seventeen years of age;
- 83 (b) Child molestation in the third degree under section 566.069 if the victim is between
84 thirteen and fourteen years of age;
- 85 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to
86 seventeen years of age;
- 87 (d) Enticement of a child under section 566.151;

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

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

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

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

93 (i) Patronizing prostitution under section 567.030;

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

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

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

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

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

105 (3) Any person who is or has been adjudicated in any other state, territory, the District
106 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
107 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed
108 in this subsection or, if not comparable to those in this subsection, comparable to those described
109 as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
110 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

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

115 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~
116 ~~566.123~~] or a persistent sexual offender as defined in section [~~566.124~~] **566.125**;

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

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

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

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

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

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

- 124 (f) Statutory sodomy under section 566.062;
- 125 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
- 126 (h) Sodomy in the second degree under section 566.061;
- 127 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second
- 128 or subsequent offense;
- 129 (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen
- 130 years of age;
- 131 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
- 132 years of age, excluding kidnapping by a parent or guardian;
- 133 (l) Child kidnapping under section 565.115;
- 134 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
- 135 degree under section 566.115 if the punishment is greater than a year;
- 136 (n) Incest under section 568.020;
- 137 (o) Endangering the welfare of a child in the first degree under section 568.045 with
- 138 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 139 (p) Child molestation in the first degree under section 566.067;
- 140 (q) Child molestation in the second degree under section 566.068;
- 141 (r) Child molestation in the third degree under section 566.069 if the victim is under
- 142 thirteen years of age;
- 143 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
- 144 eighteen years of age;
- 145 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
- 146 under eighteen years of age;
- 147 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
- 148 eighteen years of age;
- 149 (v) Promoting travel for prostitution under section 567.085 if the victim is under
- 150 eighteen years of age;
- 151 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
- 152 is under eighteen years of age;
- 153 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 154 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 155 (z) Genital mutilation of a female child under section 568.065;
- 156 (aa) Statutory rape in the second degree under section 566.034;
- 157 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
- 158 thirteen years of age;

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

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

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

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

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

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

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

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

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

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

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

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

193 9. If a person who is required to register as a sexual offender under sections 589.400 to
194 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall

195 report such information in the same manner as a change of residence before using such online
196 identifier.

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