

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 18, Section 559.115, Line 77, by inserting after said section and line the
3 following:
4

5 "589.404. As used in sections 589.400 to 589.425, the following terms mean:

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

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

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

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

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

19 (6) "Sex offender", any person who meets the criteria to register under sections 589.400 to
20 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
21 Protection and Safety Act of 2006, P.L. 109-248;

22 (7) "Sex offense", any offense which is listed under section 589.414 or comparable to those
23 listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender
24 Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of
25 2006, P.L. 109-248;

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

27 (9) "Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact;

28 (10) "Sexual contact", any ~~[sexual touching of or contact with a person's body, either~~
29 ~~directly or through the clothing]~~ touching of another person with the genitals or any touching of the
30 genitals or anus of another person, or the breast of a female person, or such touching through the
31 clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another

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1 person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose
 2 of terrorizing the victim;

3 ~~[(10)]~~ (11) "Sexual element", used for the purposes of distinguishing if sexual contact or a
 4 sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended
 5 information filed by the prosecutor, indictment information filed by the prosecutor, or amended
 6 indictment information filed by the prosecutor, the plea agreement, or court documentation to
 7 determine if a sexual element exists;

8 ~~[(11)]~~ (12) "Signature", the name of the offender signed in writing or electronic form
 9 approved by the Missouri state highway patrol;

10 ~~[(12)]~~ (13) "Student", an individual who enrolls in or attends the physical location of an
 11 educational institution, including a public or private secondary school, trade or professional school,
 12 or an institution of higher education;

13 ~~[(13)]~~ (14) "Vehicle", any land vehicle, watercraft, or aircraft.

14 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
 15 three business days, appear in person to the chief law enforcement officer of the county or city not
 16 within a county if there is a change to any of the following information:

17 (1) Name;

18 (2) Residence;

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

20 (4) Student status; or

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

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

25 (1) Vehicle information;

26 (2) Temporary lodging information;

27 (3) Temporary residence information;

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

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

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

35 4. If any person required by sections 589.400 to 589.425 to register changes such person's
 36 residence or address to a different county or city not within a county, the person shall appear in
 37 person and shall inform both the chief law enforcement official with whom the person last registered
 38 and the chief law enforcement official of the county or city not within a county having jurisdiction
 39 over the new residence or address in writing within three business days of such new address and
 40 phone number, if the phone number is also changed. If any person required by sections 589.400 to

589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

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

- (1) Any offender who has been adjudicated for the offense of:
 - (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
 - (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and ~~[the punishment is less than one year]~~ if the offense is a misdemeanor;
 - (c) Sexual abuse in the second degree under section 566.101 ~~[if the punishment is less than a year]~~ if the offense is a misdemeanor;
 - (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
 - (e) Kidnapping in the third degree under section 565.130;
 - (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 ~~[if the punishment is less than one year]~~ if the offense is a misdemeanor;
 - (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
 - (h) Sexual ~~[contact with a prisoner or offender]~~ conduct in the course of public duty under section 566.145 if the victim is eighteen years of age or older;
 - (i) Sex with an animal under section 566.111;
 - (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
 - (k) Possession of child pornography under section 573.037;
 - (l) Sexual misconduct in the first degree under section 566.093;
 - (m) Sexual misconduct in the second degree under section 566.095;
 - (n) Child molestation in the second degree under section 566.068 as it existed prior to

January 1, 2017, if the ~~[punishment is less than one year]~~ offense is a misdemeanor; ~~[or]~~

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

(p) Sexual contact with a student eighteen years of age or older under section 566.086;

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

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

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

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

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

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

(d) Enticement of a child under section 566.151;

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

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

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

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

(i) Patronizing prostitution under section 567.030;

(j) Sexual ~~[contact with a prisoner or offender]~~ conduct in the course of public duty under section 566.145 if the victim is thirteen to seventeen years of age;

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

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

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

(n) Sexual abuse in the first degree under section 566.100 if the victim is thirteen to seventeen years of age;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to

1 register offense or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150,
 2 566.155, or 589.426 and who is already required to register as a tier I offender due to having been
 3 adjudicated of a tier I offense on a previous occasion; or

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

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

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

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

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

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

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

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

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

23 (f) Statutory sodomy under section 566.062;

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

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

26 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or
 27 subsequent offense;

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

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

32 (l) Child kidnapping under section 565.115;

33 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
 34 under section 566.115 [~~if the punishment is greater than a year~~] if the offense is a felony;

35 (n) Incest under section 568.020;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term of imprisonment of more than a year]~~ if the offense is a felony;

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

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

(ff) Sexual ~~[contact with a prisoner or offender]~~ conduct in the course of public duty under section 566.145 if the victim is under thirteen years of age;

(gg) Sexual ~~[intercourse with a prisoner or offender]~~ conduct in the course of public duty under section 566.145;

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

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

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

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425[;] or other comparable out-of-state failure to register offense[;] or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426 and who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or

1 with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense
2 under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
3 Protection and Safety Act of 2006, Pub. L. 109-248; or

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

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

14 9. If a person who is required to register as a sexual offender under sections 589.400 to
15 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
16 report such information in the same manner as a change of residence before using such online
17 identifier."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.