HOUSE AMENDMENT NO.____ TO HOUSE AMENDMENT NO.____

Offered By

1	AMEND House Amendment No to Senate Substitute for Senate Committee Substitute for
2	Senate Bill Nos. 189, 36 & 37, Page 31, Line 35, by deleting said line and inserting in lieu thereof
3 4	the following:
5	""589.401. 1. A person on the sexual offender registry may file a petition in the division of
6	the circuit court in the county or city not within a county in which the offense requiring registration
7	was committed to have his or her name removed from the sexual offender registry.
8	2. A person who is required to register in this state because of an offense that was
9	adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of
10	the state, <u>federal</u> , territory, tribal, or military jurisdiction, the District of Columbia, or foreign
11	country in which his or her offense was adjudicated. Upon the grant of the petition for removal in
12	the jurisdiction where the offense was adjudicated, such judgment may be registered in this state by
13	sending the information required under subsection 5 of this section as well as one authenticated
14	copy of the order granting removal from the sexual offender registry in the jurisdiction where the
15	offense was adjudicated to the court in the county or city not within a county in which the offender
16	is required to register. On receipt of a request for registration removal, the registering court shall
17	cause the order to be filed as a foreign judgment, together with one copy of the documents and
18	information, regardless of their form. The petitioner shall be responsible for costs associated with
19	filing the petition.
20	3. A person required to register:
21	(1) As a tier III offender;
22	(2) Under subdivision (7) of subsection 1 of section 589.400; or
23	(3) As a result of an offense that is sexual in nature committed against a minor or against an
24	incapacitated person as defined under section 475.010
25	shall not file a petition under this section unless the requirement to register results from a
26	juvenile adjudication.
27	4. The petition shall be dismissed without prejudice if the following time periods have not
28	elapsed since the date the person was required to register for his or her most recent offense under
29	sections 589.400 to 589.425:
	Action Taken Date

- 1 (1) For a tier I offense, ten years;
- 2 (2) For a tier II offense, twenty-five years; or
- 3 (3) For a tier III offense adjudicated delinquent, twenty-five years.
 - 5. The petition shall be dismissed without prejudice if it fails to include any of the following:
- 6 (1) The petitioner's:
- 7 (a) Full name, including any alias used by the individual;
- 8 (b) Sex;

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- 9 (c) Race;
- 10 (d) Date of birth;
- 11 (e) Last four digits of the Social Security number;
- 12 (f) Address; and
- 13 (g) Place of employment, school, or volunteer status;
 - (2) The offense and tier of the offense that required the petitioner to register;
- 15 (3) The date the petitioner was adjudicated for the offense;
 - (4) The date the petitioner was required to register;
 - (5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense;
 - (6) Petitioner's fingerprints on an applicant fingerprint card;
 - (7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and
 - (8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.
 - 6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.
 - 7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.
 - 8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.
 - 9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole.

- 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.
- 11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:
- (1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level;
- (2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment;
- (3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level:
- (4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and
 - (5) Is not a current or potential threat to public safety.

- 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530.
- 13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:
- (1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender;
- (2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or
- (3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.
- 14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:
- (1) The pending charges resulting in the denial of relief have been finally disposed of in a manner other than adjudication; or
- (2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section.

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

- 16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition.
- 17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal.
- 18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied.
- 589.403. 1. Any person who is required to register under sections 589.400 to 589.425 and who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections, any mental health institution, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined shall:
- (1) If the person plans to reside in this state, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and [forward] enter the offender's registration, within three business days of release, in accordance with section 589.410, to the Missouri state highway patrol and the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole, or release; or
- (2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and [forward] enter the offender's registration, within three business days of release, in accordance with section 589.410, to the Missouri state highway patrol and the chief law enforcement official within the county or city not within a county where the correctional facility, private jail, or mental health institution is located.
- 2. If the person is currently a registered sex offender in Missouri, upon release of the offender from any correctional facility of the department of corrections, any mental health institution, a private jail under section 221.095, or other private facility recognized by or contracted

- with the department of corrections or department of mental health where such person was confined, the official in charge of such correctional facility, mental health institution, or private jail shall inform the chief law enforcement official of the county or city not within a county where the offender is registered of the offender's release.
- 3. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located.
- 4. When any person is incarcerated in any jail, municipal detention facility, correctional facility of the department of corrections, private jail under section 221.095, or other private facility contracted with the department of corrections, or any person is committed to the department of mental health or a mental health institution, the official in charge of such jail, detention facility, correctional facility, private jail, private facility, or mental health institution shall complete a check to see if the person is currently a registered sex offender in Missouri. If the person is a registered sex offender in Missouri, such official in charge shall inform the chief law enforcement official of the county or city not within a county where the offender is registered of the incarceration. If the person incarcerated is a registered sex offender, the chief law enforcement official of the county or city not within a county where the offender is registered shall ensure the offender's status is properly updated in the Missouri sex offender registry.
- 589.410. The chief law enforcement official <u>of a county or city not within a county</u> shall [forward] <u>enter</u> the completed offender registration [form to the Missouri state highway patrol] <u>into</u> the Missouri state highway patrol's sex offender registration system within three days. [The patrol] <u>Such registration</u> shall [enter the information] <u>be entered</u> into the Missouri uniform law enforcement system (MULES). The Missouri state highway patrol shall ensure the information entered into the <u>Missouri sex offender registry is forwarded to the National Crime Information Center (NCIC)</u> where it is available to members of the criminal justice system, and other entities as provided by law, upon inquiry.
- 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;
- 34 (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;

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- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.
- 3. The chief law enforcement official in the county or city not within a county shall immediately [forward] enter the registration changes described under subsections 1 and 2 of this section [to] into the Missouri state highway [patrol] patrol's sex offender registration system within three business days.
- 4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and 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;

1	(e)] Sexual abuse in the second degree under section 566.101 if the punishment is less than a
2	year;
3	[(d)] (b) Kidnapping in the second degree under section 565.120 with sexual motivation;
4	[(e)] (c) Kidnapping in the third degree under section 565.130;
5	[(f)] (d) Sexual conduct with a nursing facility resident or vulnerable person in the first
6	degree under section 566.115 if [the punishment is less than one year] the offense is a misdemeanor;
7	[(g)] (e) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable
8	person;
9	[(h)] (f) Sexual [contact with a prisoner or offender] conduct in the course of public duty
10	under section 566.145 if the victim is eighteen years of age or older;
11	[(i)] (g) Sex with an animal under section 566.111;
12	[(j)] (h) Trafficking for the purpose of sexual exploitation under section 566.209 if the
13	victim is eighteen years of age or older;
14	[(k)] (i) Possession of child pornography under section 573.037;
15	[(1)] (j) Sexual misconduct in the first degree under section 566.093;
16	[(m)] (k) Sexual misconduct in the second degree under section 566.095;
17	[(n) Child molestation in the second degree under section 566.068 as it existed prior to
18	January 1, 2017, if the punishment is less than one year;] or
19	[(o)] (1) Invasion of privacy under section 565.252 if the victim is less than eighteen years of
20	age;
21	(2) Any offender who is or has been adjudicated in any other state, territory, the District of
22	Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a
23	sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this
24	subsection or, if not comparable to those in this subsection, comparable to those described as tier I
25	offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
26	Protection and Safety Act of 2006, Pub. L. 109-248.
27	6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
28	section, shall report semiannually in person in the month of their birth and six months thereafter to
29	the chief law enforcement official to verify the information contained in their statement made
30	pursuant to section 589.407. Tier II sexual offenders include:
31	(1) Any offender who has been adjudicated for the offense of[÷
32	(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to
33	seventeen years of age;
34	(b) Child molestation in the third degree under section 566.069 if the victim is between
35	thirteen and fourteen years of age;
36	(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen
37	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 2 is thirteen to seventeen years of age;
 - (f) Sexual exploitation of a minor under section 573.023;

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- (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;
- (i) Sexual contact with a prisoner or offender 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;
- (1) 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; or
 - (m)Age misrepresentation with intent to solicit a minor under section 566.153;
- (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 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 is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or
- (3) Any person 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 for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II 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.
- 7. Tier III 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 every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:
- (1) Any offender registered as a predatory sexual offender [as defined in section 566.123] or a persistent sexual offender as defined in section [566.124] 566.125;
 - (2) Any offender who has been adjudicated for the crime of:
 - (a) Rape in the first degree under section 566.030;
 - (b) Statutory rape in the first degree under section 566.032;
- (c) Rape in the second degree under section 566.031;
- (d) Statutory rape in the second degree under section 566.034; 35
- 36 (e) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature; 37
- 38 [(e)] (f) Sodomy in the first degree under section 566.060;
- 39 [f] (g) Statutory sodomy under section 566.062;

1	(g) Statutory sodomy under section 566.064 It the victim is under sixteen years of
2	age];
3	[(h)] (i) Sodomy in the second degree under section 566.061;
4	[(i)] (j) Sexual misconduct involving a child under section 566.083 [if the offense is a
5	second or subsequent offense];
6	[(j)] (k) Sexual abuse in the first degree under section 566.100 [if the victim is under
7	thirteen years of age];
8	[(k)] (1) Age misrepresentation with intent to solicit a minor under section 566.153;
9	(m) Enticement of a child under section 566.151;
10	(n) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years
11	of age, excluding kidnapping by a parent or guardian;
12	[(1)] (o) Child kidnapping under section 565.115 with sexual motivation;
13	[(m)] (p) Sexual conduct with a nursing facility resident or vulnerable person in the first
14	degree under section 566.115 if [the punishment is greater than a year] the offense is a felony;
15	$[\underline{(n)}]$ (q) Incest under section 568.020;
16	[(o)] (r) Endangering the welfare of a child in the first degree under section 568.045 with
17	sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
18	[(p)] <u>(s)</u> Child molestation in the first degree under section 566.067;
19	[(q)] (t) Child molestation in the second degree under section 566.068 or child molestation
20	in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment
21	is less than one year;
22	[(r)] (u) Child molestation in the third degree under section 566.069 if the victim is under
23	[thirteen] fourteen years of age;
24	[(s)] (v) Promoting prostitution in the first degree under section 567.050 if the victim is
25	under eighteen years of age;
26	[(t)] (w) Promoting prostitution in the second degree under section 567.060 if the victim is
27	under eighteen years of age;
28	$[\underline{(u)}]$ (x) Promoting prostitution in the third degree under section 567.070 if the victim is
29	under eighteen years of age;
30	[(v)] (y) Promoting travel for prostitution under section 567.085 if the victim is under
31	eighteen years of age;
32	[(w)] (z) Trafficking for the purpose of sexual exploitation under section 566.209 if the
33	victim is under eighteen years of age;
34	[(x)] (aa) Sexual trafficking of a child in the first degree under section 566.210;
35	[(y)] <u>(bb)</u> Sexual trafficking of a child in the second degree under section 566.211;
36	[(z)] (cc) Genital mutilation of a female child under section 568.065;
37	[(aa)] (dd) Statutory rape in the second degree under section 566.034;
38	[(bb)] (ee) Child molestation in the fourth degree under section 566.071 if the victim is
39	under [thirteen] seventeen years of age:

- [(cc)] (ff) Sexual abuse in the second degree under section 566.101 if [the penalty is a term 1 2 of imprisonment of more than a year the offense is a felony; 3 [(dd)] (gg) Patronizing prostitution under section 567.030 if the offender is a persistent 4 offender or if the victim is under eighteen years of age; 5 [(ee)] (hh) Abuse of a child under section 568.060 if the offense is of a sexual nature and the 6 victim is under [thirteen] eighteen years of age; 7 [(ff)] (ii) Sexual [contact with a prisoner or offender] conduct in the course of public duty 8 under section 566.145 if the victim is under [thirteen] eighteen years of age; 9 [(gg) Sexual intercourse with a prisoner or offender under section 566.145; 10 (hh) (jj) Sexual contact with a student under section 566.086 if the victim is under 11 [thirteen] eighteen years of age; 12 (kk) Sexual exploitation of a minor under section 573.023; 13 (II) Promoting child pornography in the first degree under section 573.025; 14 (mm) Promoting child pornography in the second degree under section 573.035; [(ii)] (nn) Use of a child in a sexual performance under section 573.200; [or 15 (ii) (oo) Promoting a sexual performance by a child under section 573.205; 16 (pp) Enabling sexual exploitation of a minor under section 573.024; 17 18 (qq) Patronizing a sexual performance by a child under section 573.206; or 19 (rr) Providing explicit sexual material to a student under section 573.550; (3) Any offender who is adjudicated [for a crime] of an offense comparable to a tier I or tier 20 21 II offense listed in this section or failure to register offense under section 589.425, or other 22 comparable out-of-state failure to register offense or a violation of a restriction under section 23 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426, 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 24 offenses, or combination of a tier I offense and failure to register offense, on a previous occasion; 25 26 (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or 27 foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or 28 with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense 29 under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child 30 Protection and Safety Act of 2006, Pub. L. 109-248; or
 - (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.
 - 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they

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work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

- 9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.
- 590.192. 1. There is hereby established the "Critical Incident Stress Management Program""; and
- Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
- 13 THIS AMENDMENT AMENDS 0077S05.08H.

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