

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1706 & 1539, Page 2, Section 27.170,
2 Line 32, by inserting after said section and line the following:

3
4 "43.656. It is hereby found and declared that:

5 (1) With the widespread use of computers, the internet and electronic devices to commit
6 crimes and the critical lack of resources at state and local levels;

7 (2) Modern day criminals have learned to exploit the internet and electronic communication
8 to leverage computer technology to reach a virtually unlimited number of victims while maintaining
9 a maximum level of anonymity[;]. Computer crimes will continue to mount, especially in, but not
10 limited to, the areas of child [~~pornography~~] sexual abuse material and sexual offenses involving
11 children, consumer fraud and harassment;

12 (3) It is necessary for the protection of the citizens of this state that provisions be made for
13 the establishment of the Missouri regional computer forensics lab to prevent and reduce computer,
14 internet and other electronically based crimes."; and

15
16 Further amend said bill, Page 4, Section 56.265, Line 43, by inserting after said section and line the
17 following:

18
19 "67.2540. As used in sections 67.2540 to 67.2556, the following terms mean:

20 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment in which persons
21 regularly appear in a state of nudity, as defined in section 573.500, or seminudity in the performance
22 of their duties;

23 (2) "Employee", a person who is at least twenty-one years of age and who performs any
24 service on the premises of a sexually oriented business on a full-time, part-time, or contract basis,
25 whether or not the person is denominated an employee, independent contractor, agent, or otherwise,
26 and whether or not said person is paid a salary, wage, or other compensation by the operator of said
27 business. The term employee does not include a person exclusively on the premises for repair or
28 maintenance of the premises or equipment on the premises, or for the delivery of goods to the
29 premises;

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1 (3) "Nudity" or a "state of nudity", the showing of the human male or female genitals, pubic
2 area, vulva, anus, anal cleft or anal cleavage with less than a fully opaque covering, the showing of
3 the female breast with less than a fully opaque covering of any part of the nipple, or the showing of
4 the covered male genitals in a discernibly turgid state;

5 (4) "Nuisance", any place in or upon which lewdness, assignation, or prostitution is
6 conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious,
7 or obscene films, or films designed to be projected for exhibition, are photographed, manufactured,
8 developed, screened, exhibited, or otherwise prepared or shown, and the personal property and
9 contents used in conducting and maintaining any such place for any such purpose. The provisions
10 of this section shall not affect any newspaper, magazine, or other publication entered as second class
11 matter by the post office department;

12 (5) "Person", an individual, proprietorship, partnership, corporation, association, or other
13 legal entity;

14 (6) "Seminude" or in a "seminude condition", a state of dress in which opaque clothing fails
15 to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female
16 breast below a horizontal line across the top of the areola at its highest point. Seminudity shall
17 include the entire lower portion of the female breast, but shall not include any portion of the
18 cleavage of the human female breast exhibited by wearing apparel provided the areola is not
19 exposed in whole or part;

20 (7) "Sexually oriented business", an adult cabaret or any business which offers its patrons
21 goods of which a substantial or significant portion are sexually oriented material. It shall be
22 presumed that a business that derives thirty percent or less of its revenue from sexually oriented
23 materials is presumed not to be a sexually oriented business. No building, premises, structure, or
24 other facility that contains any sexually oriented business shall contain any other kind of sexually
25 oriented business;

26 (8) "Sexually oriented materials", any pictorial or three-dimensional material, or film,
27 motion picture, DVD, video cassette, or similar photographic reproduction, that depicts nudity,
28 sexual conduct, sexual excitement, or sadomasochistic abuse, as defined in section 573.010;

29 (9) "Specified criminal activity" includes the following offenses:

30 (a) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution,
31 or display of harmful material to a minor; sexual performance by a child; possession or distribution
32 of child pornography as it existed prior to August 28, 2024; possession or distribution of child
33 sexual abuse material; public lewdness; indecent exposure; indecency with a child; engaging in
34 organized criminal activity; sexual assault; molestation of a child; gambling prohibited under
35 Missouri law; or distribution of a controlled substance; or any similar offenses described in this
36 subdivision under the criminal or penal code of other states or countries;

37 (b) For which:

1 a. Less than two years have elapsed since the date of conviction or the date of release from
2 confinement imposed for the conviction, whichever is the later date, if the conviction is of a
3 misdemeanor offense;

4 b. Less than five years have elapsed since the date of conviction or the date of release from
5 confinement for the conviction, whichever is the later date, if the conviction is of a felony offense;
6 or

7 c. Less than five years have elapsed since the date of the last conviction or the date of
8 release from confinement for the last conviction, whichever is the later date, if the convictions are of
9 two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any
10 twenty-four-month period;

11 (c) The fact that a conviction is being appealed shall not prevent a sexually oriented
12 business from being considered a nuisance and closed under section 67.2546;

13 (10) "Specified sexual activities" includes the following acts:

14 (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or
15 female breasts;

16 (b) Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or
17 sodomy; or

18 (c) Excretory functions as part of or in connection with any of the activities set forth in this
19 subdivision.

20 168.071. 1. The state board of education may refuse to issue or renew a certificate, or may,
21 upon hearing, discipline the holder of a certificate of license to teach for the following causes:

22 (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a
23 felony or crime involving moral turpitude under the laws of this state, any other state, of the United
24 States, or any other country, whether or not sentence is imposed;

25 (2) The certification was obtained through use of fraud, deception, misrepresentation or
26 bribery;

27 (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate
28 holder;

29 (4) A certificate holder has been subject to disciplinary action relating to certification issued
30 by another state, territory, federal agency, or country upon grounds for which discipline is
31 authorized in this section; or

32 (5) If charges are filed by the local board of education, based upon the annulling of a written
33 contract with the local board of education, for reasons other than election to the general assembly,
34 without the consent of the majority of the members of the board that is a party to the contract.

35 2. A public school district may file charges seeking the discipline of a holder of a certificate
36 of license to teach based upon any cause or combination of causes outlined in subsection 1 of this
37 section, including annulment of a written contract. Charges shall be in writing, specify the basis for
38 the charges, and be signed by the chief administrative officer of the district, or by the president of
39 the board of education as authorized by a majority of the board of education. The board of

1 education may also petition the office of the attorney general to file charges on behalf of the school
2 district for any cause other than annulment of contract, with acceptance of the petition at the
3 discretion of the attorney general.

4 3. The department of elementary and secondary education may file charges seeking the
5 discipline of a holder of a certificate of license to teach based upon any cause or combination of
6 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in
7 writing, specify the basis for the charges, and be signed by legal counsel representing the
8 department of elementary and secondary education.

9 4. If the underlying conduct or actions which are the basis for charges filed pursuant to this
10 section are also the subject of a pending criminal charge against the person holding such certificate,
11 the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth
12 amendment of the Constitution of the United States. Based upon such a request, no hearing shall be
13 held until after a trial has been completed on this criminal charge.

14 5. The certificate holder shall be given not less than thirty days' notice of any hearing held
15 pursuant to this section.

16 6. Other provisions of this section notwithstanding, the certificate of license to teach shall be
17 revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or
18 applicant has been found guilty of any of the following offenses established pursuant to Missouri
19 law or offenses of a similar nature established under the laws of Missouri prior to January 1, 2017,
20 any other state or of the United States, or any other country, whether or not the sentence is imposed:

21 (1) Any dangerous felony as defined in section 556.061, or murder in the first degree under
22 section 565.020;

23 (2) Any of the following sexual offenses: rape in the first degree under section 566.030;
24 forcible rape; rape; statutory rape in the first degree under section 566.032; statutory rape in the
25 second degree under section 566.034; rape in the second degree under section 566.031; sexual
26 assault under section 566.040 as it existed prior to August 28, 2013; sodomy in the first degree
27 under section 566.060; forcible sodomy under section 566.060 as it existed prior to August 28,
28 2013; sodomy as it existed prior to January 1, 1995; statutory sodomy in the first degree under
29 section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in
30 the first degree; child molestation in the second degree; child molestation in the third degree under
31 section 566.069; child molestation in the fourth degree under section 566.071; sodomy in the second
32 degree under section 566.061; deviate sexual assault under section 566.070 as it existed prior to
33 August 28, 2013; sexual misconduct involving a child under section 566.083; sexual contact with a
34 student under section 566.086; sexual misconduct in the first degree under section 566.093; sexual
35 misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013; sexual
36 misconduct in the second degree under section 566.095; sexual misconduct in the second degree
37 under section 566.093 as it existed prior to August 28, 2013; sexual misconduct in the third degree
38 under section 566.095 as it existed prior to August 28, 2013; sexual abuse in the first degree under
39 section 566.100; sexual abuse under section 566.100 as it existed prior to August 28, 2013; sexual

1 abuse in the second degree under section 566.101; enticement of a child under section 566.151; or
2 attempting to entice a child;

3 (3) Any of the following offenses against the family and related offenses: incest under
4 section 568.020; abandonment of child in the first degree under section 568.030; abandonment of
5 child in the second degree under section 568.032; endangering the welfare of a child in the first
6 degree under section 568.045; abuse of a child under section 568.060; child used in a sexual
7 performance; promoting sexual performance by a child; or trafficking in children under section
8 568.175; and

9 (4) Any of the following offenses involving child pornography as it existed prior to August
10 28, 2024, or child sexual abuse material and related offenses: promoting obscenity in the first
11 degree under section 573.020; promoting pornography for minors or obscenity in the second degree
12 when the penalty is enhanced to a class E felony under section 573.030; promoting child
13 pornography in the first degree under section 573.025 as it existed prior to August 28, 2024;
14 promoting child sexual abuse material in the first degree under section 573.025; promoting child
15 pornography in the second degree under section 573.035 as it existed prior to August 28, 2024;
16 promoting child sexual abuse material in the second degree under section 573.035; possession of
17 child pornography under section 573.037 as it existed prior to August 28, 2024; possession of child
18 sexual abuse material under section 573.037; furnishing pornographic materials to minors under
19 section 573.040; or coercing acceptance of obscene material under section 573.065.

20 7. When a certificate holder is found guilty of any offense that would authorize the state
21 board of education to seek discipline against that holder's certificate of license to teach, the local
22 board of education or the department of elementary and secondary education shall immediately
23 provide written notice to the state board of education and the attorney general regarding the finding
24 of guilt.

25 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this
26 section may appeal such revocation to the state board of education. Notice of this appeal must be
27 received by the commissioner of education within ninety days of notice of revocation pursuant to
28 this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal
29 waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an
30 appeal hearing shall be held by a hearing officer designated by the commissioner of education, with
31 the final decision made by the state board of education, based upon the record of that hearing. The
32 certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to
33 be heard by the hearing officer, together with witnesses.

34 9. In the case of any certificate holder who has surrendered or failed to renew his or her
35 certificate of license to teach, the state board of education may refuse to issue or renew, or may
36 suspend or revoke, such certificate for any of the reasons contained in this section.

37 10. In those cases where the charges filed pursuant to this section are based upon an
38 allegation of misconduct involving a minor child, the hearing officer may accept into the record the

1 sworn testimony of the minor child relating to the misconduct received in any court or
2 administrative hearing.

3 11. Hearings, appeals or other matters involving certificate holders, licensees or applicants
4 pursuant to this section may be informally resolved by consent agreement or agreed settlement or
5 voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board
6 of education.

7 12. The final decision of the state board of education is subject to judicial review pursuant
8 to sections 536.100 to 536.140.

9 13. A certificate of license to teach to an individual who has been convicted of a felony or
10 crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon
11 motion of the state board of education adopted by a unanimous affirmative vote of those members
12 present and voting."; and

13
14 Further amend said bill, Page 6, Section 190.142, Line 63, by inserting after said section and line the
15 following:

16
17 "210.1080. 1. As used in this section, the following terms mean:

18 (1) "Child care provider", a person licensed, regulated, or registered to provide child care
19 within the state of Missouri, including the member or members, manager or managers, shareholder
20 or shareholders, director or directors, and officer or officers of any entity licensed, regulated, or
21 registered to provide child care within the state of Missouri;

22 (2) "Child care staff member", a child care provider; persons employed by the child care
23 provider for compensation, including contract employees or self-employed individuals; individuals
24 or volunteers whose activities involve the care or supervision of children for a child care provider or
25 unsupervised access to children who are cared for or supervised by a child care provider; individuals
26 residing in a home where child care is provided who are eighteen years of age or older; or
27 individuals residing in a home where child care is provided who are under eighteen years of age and
28 have been certified as an adult for the commission of an offense;

29 (3) "Criminal background check":

30 (a) A Federal Bureau of Investigation fingerprint check;

31 (b) A search of the National Crime Information Center's National Sex Offender Registry;

32 and

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

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

38 b. The state sex offender registry or repository; and

39 c. The state-based child abuse and neglect registry and database;

1 (4) "Department", the department of elementary and secondary education;

2 (5) "Qualifying result" or "qualifying criminal background check", a finding that a child
3 care staff member or prospective child care staff member is eligible for employment or presence in a
4 child care setting described under this section.

5 2. (1) Prior to the employment or presence of a child care staff member in a licensed,
6 license-exempt, or unlicensed registered child care facility, the child care provider shall request the
7 results of a criminal background check for such child care staff member from the department.

8 (2) A prospective child care staff member may begin work for a child care provider after
9 receiving the qualifying result of either a Federal Bureau of Investigation fingerprint check or a
10 search of the Missouri criminal registry or repository with the use of fingerprints; however, pending
11 completion of the criminal background check, the prospective child care staff member shall be
12 supervised at all times by another child care staff member who received a qualifying result on the
13 criminal background check within the past five years.

14 (3) Any individual who meets the definition of child care provider but is not responsible for
15 the oversight or direction of the child care facility and does not have independent access to the child
16 care facility shall not be required to request the results of a criminal background check under this
17 section; however, such individual shall be accompanied by an individual with a qualifying criminal
18 background check in order to be present at the child care facility during child care hours.

19 3. The costs of the criminal background check shall be the responsibility of the child care
20 staff member, but may be paid or reimbursed by the child care provider at the provider's discretion.
21 The fees charged for the criminal background check shall not exceed the actual cost of processing
22 and administration.

23 4. Upon completion of the criminal background check, any child care staff member or
24 prospective child care staff member shall be ineligible for employment or presence at a licensed or
25 license-exempt child care facility or an unlicensed child care facility registered with the department
26 and shall be disqualified from receipt of state or federal funds for providing child care services
27 either by direct payment or through reimbursement to an individual who receives child care benefits
28 if such person:

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

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

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

34 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or
35 any other finding of child abuse or neglect based on any other state's registry or database; or

36 (5) Has pled guilty or nolo contendere to or been found guilty of:

37 (a) Any felony for an offense against the person as defined in chapter 565;

38 (b) Any other offense against the person involving the endangerment of a child as
39 prescribed by law;

- 1 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;
 2 (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;
 3 (e) Burglary in the first degree as defined in 569.160;
 4 (f) Any misdemeanor or felony for robbery as defined in chapter 570;
 5 (g) Any misdemeanor or felony for pornography or related offense as defined in chapter
 6 573;
 7 (h) Any felony for arson as defined in chapter 569;
 8 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a
 9 weapon as defined in section 571.030, unlawful possession of a firearm as defined in section
 10 571.070, or the unlawful possession of an explosive as defined in section 571.072;
 11 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
 12 574.125;
 13 (k) A felony drug-related offense committed during the preceding five years; or
 14 (l) Any similar offense in any federal, state, municipal, or other court of similar jurisdiction
 15 of which the department has knowledge.

16 5. Household members eighteen years of age or older, or household members under
 17 eighteen years of age who have been certified as an adult for the commission of an offense, shall be
 18 ineligible to maintain a presence at a home where child care is provided during child care hours if
 19 any one or more of the provisions of subsection 4 of this section apply to such members.

20 6. A child care provider may also be disqualified from receipt of state or federal funds for
 21 providing child care services either by direct payment or through reimbursement to an individual
 22 who receives child care benefits if such person, or any person eighteen years of age or older residing
 23 in the household in which child care is being provided, excluding child care provided in the child's
 24 home, has been refused licensure or has experienced licensure suspension or revocation under
 25 section 210.221 or 210.496.

26 7. A child care provider shall not be required to submit a request for a criminal background
 27 check under this section for a child care staff member if:

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

31 (2) The departments of elementary and secondary education, health and senior services, or
 32 [ef] social services provided to the first provider a qualifying criminal background check result,
 33 consistent with this section, for the staff member; and

34 (3) The staff member is employed by a child care provider within Missouri or has been
 35 separated from employment from a child care provider within Missouri for a period of not more than
 36 one hundred eighty consecutive days.

37 8. (1) The department shall process the request for a criminal background check for any
 38 prospective child care staff member or child care staff member as expeditiously as possible, but not
 39 to exceed forty-five days after the date on which the provider submitted the request.

1 (2) The department shall provide the results of the criminal background check to the child
2 care provider in a statement that indicates whether the prospective child care staff member or child
3 care staff member is eligible or ineligible for employment or presence at the child care facility or
4 receipt of state or federal funds for providing child care services either by direct payment or through
5 reimbursement to an individual who receives child care benefits. The department shall not reveal to
6 the child care provider any disqualifying crime or other related information regarding the
7 prospective child care staff member or child care staff member.

8 (3) If such prospective child care staff member or child care staff member is ineligible for
9 employment or presence at the child care facility, the department shall, when providing the results of
10 criminal background check, include information related to each disqualifying crime or other related
11 information, in a report to such prospective child care staff member or child care staff member,
12 along with information regarding the opportunity to appeal under subsection 9 of this section.

13 (4) If a prospective child care provider or child care provider has been denied state or
14 federal funds by the department for providing child care, he or she may appeal such denial to the
15 department pursuant to section 210.027.

16 9. (1) The prospective child care staff member or child care staff member may appeal a
17 finding of ineligibility for employment or presence at a child care facility in writing to the
18 department to challenge the accuracy or completeness of the information contained in his or her
19 criminal background check if his or her finding of ineligibility is based on one or more of the
20 following offenses:

- 21 (a) Murder, as described in 18 U.S.C. Section 1111;
22 (b) Felony child abuse or neglect;
23 (c) A felony crime against children, including child pornography as it existed prior to
24 August 28, 2024, or child sexual abuse material;
25 (d) Felony spousal abuse;
26 (e) A felony crime involving rape or sexual assault;
27 (f) Felony kidnapping;
28 (g) Felony arson;
29 (h) Felony physical assault or battery;
30 (i) A violent misdemeanor offense committed as an adult against a child, including the
31 offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving
32 child pornography as it existed prior to August 28, 2024, or child sexual abuse material; or
33 (j) Any similar offense in any federal, state, municipal, or other court.

34 (2) If a finding of ineligibility is based on an offense not provided for in subdivision (1) of
35 this subsection, the prospective child care staff member or child care staff member may appeal to
36 challenge the accuracy or completeness of the information contained in his or her criminal
37 background check or to offer information mitigating the results and explaining why an eligibility
38 exception should be granted.

1 (3) The written appeal shall be filed with the department within ten days from the mailing of
 2 the notice of ineligibility. The department shall attempt to verify the accuracy of the information
 3 challenged by the individual, including making an effort to locate any missing disposition
 4 information related to the disqualifying offense. After the department verifies the accuracy of the
 5 information challenged by the individual, the department shall make a final decision on the written
 6 appeal, and such decision shall be made in a timely manner. Such decision shall be considered a
 7 noncontested final agency decision by the department, appealable under section 536.150. Such
 8 decision shall be appealed within thirty days of the mailing of the decision.

9 10. Nothing in this section shall prohibit the department from requiring more frequent
 10 checks of the family care safety registry established under section 210.903 or the central registry for
 11 child abuse established under section 210.109 in order to determine eligibility for employment or
 12 presence at the child care facility or receipt of state or federal funds for providing child care services
 13 either by direct payment or through reimbursement to an individual who receives child care benefits.

14 11. The department may adopt emergency rules to implement the requirements of this
 15 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 16 under the authority delegated in this section shall become effective only if it complies with and is
 17 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 18 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 19 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 20 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 21 August 28, 2018, shall be invalid and void.

22 12. The provisions of this section shall not apply to any child care facility, as defined in
 23 section 210.201, maintained or operated under the exclusive control of a religious organization, as
 24 described in subdivision (17) of subsection 1 of section 210.211, unless such facility is a recipient of
 25 federal funds for providing care for children, except for federal funds for those programs that meet
 26 the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C.
 27 Section 1766."; and

28
 29 Further amend said bill, Page 9, Section 211.326, Line 20, by inserting after said section and line the
 30 following:

31
 32 "324.012. 1. This section shall be known and may be cited as the "Fresh Start Act of 2020".

33 2. As used in this section, the following terms mean:

34 (1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo
 35 contendere;

36 (2) "Licensing", any required training, education, or fee to work in a specific occupation,
 37 profession, or activity in the state;

38 (3) "Licensing authority", an agency, examining board, credentialing board, or other office
 39 of the state with the authority to impose occupational fees or licensing requirements on any

1 profession. For purposes of the provisions of this section other than subsection 7 of this section, the
2 term "licensing authority" shall not include the state board of education's licensure of teachers
3 pursuant to chapter 168, the Missouri state board of accountant's licensure of accountants pursuant
4 to chapter 326, the board of podiatric medicine's licensure of podiatrists pursuant to chapter 330, the
5 Missouri dental board's licensure of dentists pursuant to chapter 332, the state board of registration
6 for the healing art's licensure of physicians and surgeons pursuant to chapter 334, the Missouri state
7 board of nursing's licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of
8 pharmacists pursuant to chapter 338, the Missouri real estate commission's licensure of real estate
9 brokers, real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to
10 339.205, the Missouri veterinary medical board's licensure of veterinarian's pursuant to chapter 340,
11 the Missouri director of finance appointed pursuant to chapter 361, or the peace officer standards
12 and training commission's licensure of peace officers or other law enforcement personnel pursuant
13 to chapter 590;

14 (4) "Political subdivision", a city, town, village, municipality, or county.

15 3. Notwithstanding any other provision of law, beginning January 1, 2021, no person shall
16 be disqualified by a state licensing authority from pursuing, practicing, or engaging in any
17 occupation for which a license is required solely or in part because of a prior conviction of a crime
18 in this state or another state, unless the criminal conviction directly relates to the duties and
19 responsibilities for the licensed occupation as set forth in this section or is violent or sexual in
20 nature.

21 4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded
22 guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses
23 or offenses of a similar nature established under the laws of this state, any other state, United States,
24 or any other country, notwithstanding whether sentence is imposed, shall be considered by state
25 licensing authorities to have committed a criminal offense that directly relates to the duties and
26 responsibilities of a licensed profession:

27 (1) Any murder in the first degree, or dangerous felony as defined under section 556.061
28 excluding an intoxication-related traffic offense or intoxication-related boating offense if the person
29 is found to be a habitual offender or habitual boating offender as such terms are defined in section
30 577.001;

31 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
32 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
33 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
34 statutory sodomy in the second degree, child molestation in the first degree, child molestation in the
35 second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a
36 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28,
37 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the
38 first or second degree, enticement of a child, or attempting to entice a child;

1 (3) Any of the following offenses against the family and related offenses: incest,
2 abandonment of a child in the first degree, abandonment of a child in the second degree,
3 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
4 performance, promoting sexual performance by a child, or trafficking in children; and

5 (4) Any of the following offenses involving child pornography as it existed prior to August
6 28, 2024, or child sexual abuse material and related offenses: promoting obscenity in the first
7 degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony,
8 promoting child pornography in the first degree as it existed prior to August 28, 2024, promoting
9 child sexual abuse material in the first degree, promoting child pornography in the second degree as
10 it existed prior to August 28, 2024, promoting child sexual abuse material in the second degree,
11 possession of child pornography in the first degree as it existed prior to August 28, 2024, possession
12 of child sexual abuse material in the first degree, possession of child pornography in the second
13 degree as it existed prior to August 28, 2024, possession of child sexual abuse material in the second
14 degree, furnishing child pornography to a minor as it existed prior to August 28, 2024, furnishing
15 child sexual abuse material to a minor, furnishing pornographic materials to minors, or coercing
16 acceptance of obscene material;

17 (5) The offense of delivery of a controlled substance, as provided in section 579.020, may
18 be a disqualifying criminal offense for the following occupations: real estate appraisers and
19 appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing
20 home administrators, licensed pursuant to chapter 344; and

21 (6) Any offense an essential element of which is fraud may be a disqualifying criminal
22 offense for the following occupations: private investigators, licensed pursuant to sections 324.1100
23 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed pursuant to sections
24 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to 327.271; land surveyors,
25 licensed pursuant to sections 327.272 to 327.371; landscape architects, licensed pursuant to sections
26 327.600 to 327.635; chiropractors, licensed pursuant to chapter 331; embalmers and funeral
27 directors, licensed pursuant to chapter 333; real estate appraisers and appraisal management
28 companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators,
29 licensed pursuant to chapter 344.

30 5. If an individual is charged with any of the crimes set forth in subsection 4 of this section,
31 and is convicted, pleads guilty to, or is found guilty of a lesser-included offense and is sentenced to
32 a period of incarceration, such conviction shall only be considered by state licensing authorities as a
33 criminal offense that directly relates to the duties and responsibilities of a licensed profession for
34 four years, beginning on the date such individual is released from incarceration.

35 6. (1) The licensing authority shall determine whether an applicant with a criminal
36 conviction will be denied a license based on the following factors:

37 (a) The nature and seriousness of the crime for which the individual was convicted;

38 (b) The passage of time since the commission of the crime, including consideration of the
39 factors listed under subdivision (2) of this subsection;

1 (c) The relationship of the crime to the ability, capacity, and fitness required to perform the
2 duties and discharge the responsibilities of the occupation; and

3 (d) Any evidence of rehabilitation or treatment undertaken by the individual that might
4 mitigate against a direct relation.

5 (2) If an individual has a valid criminal conviction for a criminal offense that could
6 disqualify the individual from receiving a license, the disqualification shall not apply to an
7 individual who has been exonerated for a crime for which he or she has previously been convicted
8 of or incarcerated.

9 7. An individual with a criminal record may petition a licensing authority at any time for a
10 determination of whether the individual's criminal record will disqualify the individual from
11 obtaining a license. This petition shall include details on the individual's criminal record. The
12 licensing authority shall inform the individual of his or her standing within thirty days after the
13 licensing authority has met, but in no event more than four months after receiving the petition from
14 the applicant. The decision shall be binding, unless the individual has subsequent criminal
15 convictions or failed to disclose information in his or her petition. If the decision is that the
16 individual is disqualified, the individual shall be notified in writing of the grounds and reasons for
17 disqualification. The licensing authority may charge a fee by rule to recoup its costs as set by
18 rulemaking authority not to exceed twenty-five dollars for each petition.

19 8. (1) If a licensing authority denies an individual a license solely or in part because of the
20 individual's prior conviction of a crime, the licensing authority shall notify the individual in writing
21 of the following:

22 (a) The grounds and reasons for the denial or disqualification;

23 (b) That the individual has the right to a hearing as provided by chapter 621 to challenge the
24 licensing authority's decision;

25 (c) The earliest date the person may reapply for a license; and

26 (d) That evidence of rehabilitation may be considered upon reapplication.

27 (2) Any written determination by the licensing authority that an applicant's criminal
28 conviction is a specifically listed disqualifying conviction and is directly related to the duties and
29 responsibilities for the licensed occupation shall be documented with written findings for each of the
30 grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing
31 evidence sufficient for a reviewing court.

32 (3) In any administrative hearing or civil litigation authorized under this subsection, the
33 licensing authority shall carry the burden of proof on the question of whether the applicant's
34 criminal conviction directly relates to the occupation for which the license is sought.

35 9. The provisions of this section shall apply to any profession for which an occupational
36 license is issued in this state, including any new occupational license created by a state licensing
37 authority after August 28, 2020. Notwithstanding any other provision of law, political subdivisions
38 shall be prohibited from creating any new occupational licenses after August 28, 2020. The

1 provisions of this section shall not apply to business licenses, where the terms "occupational
2 licenses" and "business licenses" are used interchangeably in a city or county charter definition.

3 329.050. 1. Applicants for examination or licensure pursuant to this chapter shall possess
4 the following qualifications:

5 (1) They shall provide documentation of successful completion of courses approved by the
6 board, have an education equivalent to the successful completion of the tenth grade, and be at least
7 seventeen years of age;

8 (2) If the applicants are apprentices, they shall have served and completed, as an apprentice
9 under the supervision of a licensed cosmetologist, the time and studies required by the board which
10 shall be no less than three thousand hours for cosmetologists, and no less than eight hundred hours
11 for manicurists and no less than fifteen hundred hours for esthetics. However, when the classified
12 occupation of manicurist is apprenticed in conjunction with the classified occupation of
13 cosmetologist, the apprentice shall be required to successfully complete an apprenticeship of no less
14 than a total of three thousand hours;

15 (3) If the applicants are students, they shall have had the required time in a licensed school
16 of no less than one thousand five hundred hours training or the credit hours determined by the
17 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
18 amended, for the classification of cosmetologist, with the exception of public vocational technical
19 schools in which a student shall complete no less than one thousand two hundred twenty hours
20 training. All students shall complete no less than four hundred hours or the credit hours determined
21 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
22 Regulations, as amended, for the classification of manicurist. All students shall complete no less
23 than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part
24 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the
25 classification of esthetician. However, when the classified occupation of manicurist is taken in
26 conjunction with the classified occupation of cosmetologist, the student shall not be required to
27 serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of
28 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise
29 required to include manicuring of nails; and

30 (4) They shall have passed an examination to the satisfaction of the board.

31 2. A person may apply to take the examination required by subsection 1 of this section if the
32 person is a graduate of a school of cosmetology or apprentice program in another state or territory of
33 the United States which has substantially the same requirements as an educational establishment
34 licensed pursuant to this chapter. A person may apply to take the examination required by
35 subsection 1 of this section if the person is a graduate of an educational establishment in a foreign
36 country that provides training for a classified occupation of cosmetology, as defined by section
37 329.010, and has educational requirements that are substantially the same requirements as an
38 educational establishment licensed under this chapter. The board has sole discretion to determine
39 the substantial equivalency of such educational requirements. The board may require that

1 transcripts from foreign schools be submitted for its review, and the board may require that the
2 applicant provide an approved English translation of such transcripts.

3 3. Each application shall contain a statement that, subject to the penalties of making a false
4 affidavit or declaration, the application is made under oath or affirmation and that its representations
5 are true and correct to the best knowledge and belief of the person signing the application.

6 4. The sufficiency of the qualifications of applicants shall be determined by the board, but
7 the board may delegate this authority to its executive director subject to such provisions as the board
8 may adopt.

9 5. Applications for examination or licensure may be denied if the applicant has pleaded
10 guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses
11 or offenses of a similar nature established under the laws of this state, any other state, the United
12 States, or any other country, notwithstanding whether sentence is imposed:

13 (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

14 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
15 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
16 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
17 statutory sodomy in the second degree, child molestation in the first degree, child molestation in the
18 second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a
19 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28,
20 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the
21 first or second degree, enticement of a child, or attempting to entice a child;

22 (3) Any of the following offenses against the family and related offenses: incest,
23 abandonment of a child in the first degree, abandonment of a child in the second degree,
24 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
25 performance, promoting sexual performance by a child, or trafficking in children; and

26 (4) Any of the following offenses involving child pornography as it existed prior to August
27 28, 2024, or child sexual abuse material and related offenses: promoting obscenity in the first
28 degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony,
29 promoting child pornography in the first degree as it existed prior to August 28, 2024, promoting
30 child sexual abuse material in the first degree, promoting child pornography in the second degree as
31 it existed prior to August 28, 2024, promoting child sexual abuse material in the second degree,
32 possession of child pornography in the first degree as it existed prior to August 28, 2024, possession
33 of child sexual abuse material in the first degree, possession of child pornography in the second
34 degree as it existed prior to August 28, 2024, possession of child sexual abuse material in the second
35 degree, furnishing child pornography to a minor as it existed prior to August 28, 2024, furnishing
36 child sexual abuse material to a minor, furnishing pornographic materials to minors, or coercing
37 acceptance of obscene material."; and
38

1 Further amend said bill, Page 10, Section 337.618, Line 16, by inserting after said section and line
2 the following:

3
4 "339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written
5 complaint filed by any person, investigate any real estate-related activity of a licensee licensed
6 under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting
7 as or representing themselves as a real estate licensee. In conducting such investigation, if the
8 questioned activity or written complaint involves an affiliated licensee, the commission may
9 forward a copy of the information received to the affiliated licensee's designated broker. The
10 commission shall have the power to hold an investigatory hearing to determine whether there is a
11 probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The
12 commission shall have the power to issue a subpoena to compel the production of records and
13 papers bearing on the complaint. The commission shall have the power to issue a subpoena and to
14 compel any person in this state to come before the commission to offer testimony or any material
15 specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section
16 shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of
17 witnesses shall be the same as that allowed in the circuit court in civil cases.

18 2. The commission may cause a complaint to be filed with the administrative hearing
19 commission as provided by the provisions of chapter 621 against any person or entity licensed under
20 this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity
21 license for any one or any combination of the following acts:

22 (1) Failure to maintain and deposit in a special account, separate and apart from his or her
23 personal or other business accounts, all moneys belonging to others entrusted to him or her while
24 acting as a real estate broker or as the temporary custodian of the funds of others, until the
25 transaction involved is consummated or terminated, unless all parties having an interest in the funds
26 have agreed otherwise in writing;

27 (2) Making substantial misrepresentations or false promises or suppression, concealment or
28 omission of material facts in the conduct of his or her business or pursuing a flagrant and continued
29 course of misrepresentation through agents, salespersons, advertising or otherwise in any
30 transaction;

31 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
32 documents or other property, coming into his or her possession, which belongs to others;

33 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
34 verbally or through the preparation of false documents, an amount in excess of the true and actual
35 sale price of the real estate or terms differing from those actually agreed upon;

36 (5) Failure to timely deliver a duplicate original of any and all instruments to any party or
37 parties executing the same where the instruments have been prepared by the licensee or under his or
38 her supervision or are within his or her control, including, but not limited to, the instruments relating
39 to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing

1 agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction
2 in which he or she may participate as a licensee;

3 (6) Acting for more than one party in a transaction without the knowledge of all parties for
4 whom he or she acts, or accepting a commission or valuable consideration for services from more
5 than one party in a real estate transaction without the knowledge of all parties to the transaction;

6 (7) Paying a commission or valuable consideration to any person for acts or services
7 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

8 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits
9 which may result from the resale of real property;

10 (9) Having been finally adjudicated and been found guilty of the violation of any state or
11 federal statute which governs the sale or rental of real property or the conduct of the real estate
12 business as defined in subsection 1 of section 339.010;

13 (10) Obtaining a certificate or registration of authority, permit or license for himself or
14 herself or anyone else by false or fraudulent representation, fraud or deceit;

15 (11) Representing a real estate broker other than the broker with whom associated without
16 the express written consent of the broker with whom associated;

17 (12) Accepting a commission or valuable consideration for the performance of any of the
18 acts referred to in section 339.010 from any person except the broker with whom associated at the
19 time the commission or valuable consideration was earned;

20 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
21 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
22 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing;
23 or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or
24 contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of
25 real property;

26 (14) Placing a sign on or advertising any property offering it for sale or rent without the
27 written consent of the owner or his or her duly authorized agent;

28 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any
29 person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or
30 of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

31 (16) Committing any act which would otherwise be grounds for the commission to refuse to
32 issue a license under section 339.040;

33 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
34 writing by the seller;

35 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
36 contendere, in a criminal prosecution under the laws of this state or any other state or of the United
37 States, for any offense reasonably related to the qualifications, functions or duties of any profession
38 licensed or regulated under this chapter, or for any offense an essential element of which is fraud,
39 dishonesty or an act of violence, whether or not sentence is imposed;

1 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
2 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

3 (20) Disciplinary action against the holder of a license or other right to practice any
4 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by
5 another state, territory, federal agency, or country upon grounds for which revocation, suspension, or
6 probation is authorized in this state;

7 (21) Been found by a court of competent jurisdiction of having used any controlled
8 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform
9 the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections
10 339.710 to 339.860;

11 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

12 (23) Assisting or enabling any person to practice or offer to practice any profession licensed
13 or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not
14 registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710
15 to 339.860;

16 (24) Use of any advertisement or solicitation which:

17 (a) Is knowingly false, misleading or deceptive to the general public or persons to whom the
18 advertisement or solicitation is primarily directed; or

19 (b) Includes a name or team name that uses the terms "realty", "brokerage", "company", or
20 any other terms that can be construed to advertise a real estate company other than the licensee or a
21 business entity licensed under this chapter with whom the licensee is associated. The context of the
22 advertisement or solicitation may be considered by the commission when determining whether a
23 licensee has committed a violation of this paragraph;

24 (25) Making any material misstatement, misrepresentation, or omission with regard to any
25 application for licensure or license renewal. As used in this section, "material" means important
26 information about which the commission should be informed and which may influence a licensing
27 decision;

28 (26) Engaging in, committing, or assisting any person in engaging in or committing
29 mortgage fraud, as defined in section 443.930.

30 3. After the filing of such complaint, the proceedings will be conducted in accordance with
31 the provisions of law relating to the administrative hearing commission. A finding of the
32 administrative hearing commissioner that the licensee has performed or attempted to perform one or
33 more of the foregoing acts shall be grounds for the suspension or revocation of his license by the
34 commission, or the placing of the licensee on probation on such terms and conditions as the real
35 estate commission shall deem appropriate, or the imposition of a civil penalty by the commission
36 not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation
37 shall constitute a separate offense.

38 4. The commission may prepare a digest of the decisions of the administrative hearing
39 commission which concern complaints against licensed brokers or salespersons and cause such

1 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or
2 changed rules adopted by the commission and other information of significance to licensees.

3 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be
4 revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded
5 guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses
6 or offenses of a similar nature established under the laws of this, any other state, the United States,
7 or any other country, notwithstanding whether sentence is imposed:

8 (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

9 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
10 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
11 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
12 statutory sodomy in the second degree, child molestation in the first degree, child molestation in the
13 second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a
14 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28,
15 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the
16 first or second degree, enticement of a child, or attempting to entice a child;

17 (3) Any of the following offenses against the family and related offenses: incest,
18 abandonment of a child in the first degree, abandonment of a child in the second degree,
19 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
20 performance, promoting sexual performance by a child, or trafficking in children;

21 (4) Any of the following offenses involving child pornography as it existed prior to August
22 28, 2024, or child sexual abuse material and related offenses: promoting obscenity in the first
23 degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony,
24 promoting child pornography in the first degree as it existed prior to August 28, 2024, promoting
25 child sexual abuse material in the first degree, promoting child pornography in the second degree as
26 it existed prior to August 28, 2024, promoting child sexual abuse material in the second degree,
27 possession of child pornography in the first degree as it existed prior to August 28, 2024, possession
28 of child sexual abuse material in the first degree, possession of child pornography in the second
29 degree as it existed prior to August 28, 2024, possession of child sexual abuse material in the second
30 degree, furnishing child pornography to a minor as it existed prior to August 28, 2024, furnishing
31 child sexual abuse material to minors, furnishing pornographic materials to minors, or coercing
32 acceptance of obscene material; and

33 (5) Mortgage fraud as defined in section 570.310.

34 6. A person whose license was revoked under subsection 5 of this section may appeal such
35 revocation to the administrative hearing commission. Notice of such appeal must be received by the
36 administrative hearing commission within ninety days of mailing, by certified mail, the notice of
37 revocation. Failure of a person whose license was revoked to notify the administrative hearing
38 commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of
39 such person's intent to appeal, a hearing shall be held before the administrative hearing
40 commission."; and
41

1 Further amend said bill, Page 12, Section 492.304, Line 42, by inserting after said section and line
2 the following:

3
4 "537.046. 1. As used in this section, the following terms mean:

5 (1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff
6 which act occurred when the plaintiff was under the age of eighteen years and which act would have
7 been a violation of section 566.030, 566.031, 566.040, 566.050, 566.060, 566.061, 566.070,
8 566.080, 566.090, 566.100, 566.101, 566.110, [~~or~~] 566.120, [~~or section~~] 566.210, 566.211, 568.020,
9 573.023, or 573.200;

10 (2) "Injury" or "illness", either a physical injury or illness or a psychological injury or
11 illness. A psychological injury or illness need not be accompanied by physical injury or illness.

12 2. Any action to recover damages from injury or illness caused by childhood sexual abuse or
13 child sex trafficking or tortious conduct that caused the victim to be a victim of childhood sexual
14 abuse or child sex trafficking in an action brought pursuant to this section shall be commenced
15 within [~~ten~~] twenty years of the plaintiff attaining the age of twenty-one or within three years of the
16 date the plaintiff discovers, or reasonably should have discovered, that the injury or illness was
17 caused by childhood sexual abuse or child sex trafficking, whichever later occurs.

18 3. This section shall apply to any action commenced on or after August 28, [~~2004, including~~
19 ~~any action which would have been barred by the application of the statute of limitation applicable~~
20 ~~prior to that date~~] 2024.

21 542.301. 1. Property which comes into the custody of an officer or of a court as the result of
22 any seizure and which has not been forfeited pursuant to any other provisions of law or returned to
23 the claimant shall be disposed of as follows:

24 (1) Stolen property, or property acquired in any other manner declared an offense by
25 chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this
26 subsection, shall be delivered by order of court upon claim having been made and established, to the
27 person who is entitled to possession:

28 (a) The claim shall be made by written motion filed with the court with which a motion to
29 suppress has been, or may be, filed. The claim shall be barred if not made within one year from the
30 date of the seizure;

31 (b) Upon the filing of such motion, the judge shall order notice to be given to all persons
32 interested in the property, including other claimants and the person from whose possession the
33 property was seized, of the time, place and nature of the hearing to be held on the motion. The
34 notice shall be given in a manner reasonably calculated to reach the attention of all interested
35 persons. Notice may be given to unknown persons and to persons whose address is unknown by
36 publication in a newspaper of general circulation in the county. No property shall be delivered to
37 any claimant unless all interested persons have been given a reasonable opportunity to appear and to
38 be heard;

1 (c) After a hearing, the judge shall order the property delivered to the person or persons
2 entitled to possession, if any. The judge may direct that delivery of property required as evidence in
3 a criminal proceeding shall be postponed until the need no longer exists;

4 (d) A law enforcement officer having custody of seized property may, at any time that
5 seized property has ceased to be useful as evidence, request that the prosecuting attorney of the
6 county in which property was seized file a motion with the court of such county for the disposition
7 of the seized property. If the prosecuting attorney does not file such motion within sixty days of the
8 request by the law enforcement officer having custody of the seized property, then such officer may
9 request that the attorney general file a written motion with the circuit court of the county or judicial
10 district in which the seizure occurred. Upon filing of the motion, the court shall issue an order
11 directing the disposition of the property. Such disposition may, if the property is not claimed within
12 one year from the date of the seizure or if no one establishes a right to it, and the seized property has
13 ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly
14 filed and granted under this section, the proceeds of any sale, less necessary expenses of
15 preservation and sale, shall be paid into the county treasury for the use of the county. If the property
16 is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no
17 claim is filed within one year of the seizure and no motion pursuant to this section is filed within six
18 months thereafter, and the seized property has ceased to be useful as evidence, the property shall be
19 deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant
20 to section 447.543;

21 (e) If the property is a living animal or is perishable, the judge may, at any time, order it sold
22 at public sale. The proceeds shall be held in lieu of the property. A written description of the
23 property sold shall be filed with the judge making the order of sale so that the claimant may identify
24 the property. If the proceeds are not claimed within the time limited for the claim of the property,
25 the proceeds shall be paid into the county treasury. If the property is not salable, the judge may
26 order its destruction.

27 (2) Weapons, tools, devices, computers, computer equipment, computer software, computer
28 hardware, cellular telephones, or other devices capable of accessing the internet, and substances
29 other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's consent as a
30 means for committing felonies other than the offense of possessing burglary tools in violation of
31 section 569.180, and property, the possession of which is an offense under the laws of this state or
32 which has been used by the owner, or used with the owner's acquiescence or consent, as a raw
33 material or as an instrument to manufacture, produce, or distribute, or be used as a means of storage
34 of anything the possession of which is an offense under the laws of this state, or which any statute
35 authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer
36 incident to an arrest, shall be forfeited to the state of Missouri.

37 2. The officer who has custody of the property shall inform the prosecuting attorney of the
38 fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a
39 written motion with the court with which the motion to suppress has been, or may be, filed praying

1 for an order directing the forfeiture of the property. If the prosecuting attorney of a county in which
2 property is seized fails to file a motion with the court for the disposition of the seized property
3 within sixty days of the request by a law enforcement officer, the officer having custody of the
4 seized property may request the attorney general to file a written motion with the circuit court of the
5 county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall
6 issue an order directing the disposition of the property. The signed motion shall be returned to the
7 requesting agency. A motion may also be filed by any person claiming the right to possession of the
8 property praying that the court declare the property not subject to forfeiture and order it delivered to
9 the moving party.

10 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge
11 shall order notice to be given to all persons interested in the property, including the person out of
12 whose possession the property was seized and any lienors, of the time, place and nature of the
13 hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to
14 reach the attention of all interested persons. Notice may be given to unknown persons and to
15 persons of unknown address by publication in a newspaper of general circulation in the county.
16 Every interested person shall be given a reasonable opportunity to appear and to be heard as to the
17 nature of the person's claim to the property and upon the issue of whether or not it is subject to
18 forfeiture.

19 4. If the evidence is clear and convincing that the property in issue is in fact of a kind
20 subject to forfeiture under this subsection, the judge shall declare it forfeited and order its
21 destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence
22 in a criminal proceeding shall be postponed until this need no longer exists.

23 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any
24 alterations which are necessary to adapt it to a lawful use have been made. In the case of computers,
25 computer equipment, computer software, computer hardware, cellular telephones, or other devices
26 capable of accessing the internet, or other devices used in the acquisition, possession, or distribution
27 of child pornography as it existed prior to August 28, 2024, child sexual abuse material, or obscene
28 material, the law enforcement agency in possession of such items may, upon court order, retain
29 possession of such property and convert such property to the use of the law enforcement agency for
30 use in criminal investigations. If there is a holder of a bona fide lien against property which has
31 been used as a means for committing an offense or which has been used as a raw material or as an
32 instrument to manufacture or produce anything which is an offense to possess, who establishes that
33 the use was without the lienholder's acquiescence or consent, the proceeds, less necessary expenses
34 of preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The
35 remaining amount shall be paid into the county treasury.

36 6. If the property is perishable the judge may order it sold at a public sale or destroyed, as
37 may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of
38 preservation and sale, shall be held in lieu of the property.

1 7. When a warrant has been issued to search for and seize allegedly obscene matter for
2 forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the
3 matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the
4 matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary
5 proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and
6 convincing that the matter is obscene as defined by law and it was being held or displayed for sale,
7 exhibition, distribution or circulation to the public, the judge shall declare it to be obscene and
8 forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be
9 declared without the dealer, distributor or displayer being given a reasonable opportunity to appear
10 in opposition and without the judge having thoroughly examined each item. If the material to be
11 seized is the same as or another copy of matter that has already been determined to be obscene in a
12 criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination
13 of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the
14 matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or
15 displayer consents to a longer period, or by such person's actions or pleadings willfully prevents the
16 prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the
17 warrant. If the matter is not found to be obscene or is not found to have been held or displayed for
18 sale, exhibition or distribution to the public, or a judgment is not entered within the time provided
19 for, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

20 8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the
21 case should be assigned for hearing at the earliest practicable date and expedited in every way.
22 Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has
23 become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is
24 no longer needed as evidence in a criminal proceeding.

25 9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any
26 criminal proceeding against any person or corporation for sale or possession of obscene matter;
27 except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture
28 to the state.

29 10. When allegedly obscene matter or pornographic material for minors has been seized
30 under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no
31 longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which
32 the matter was seized may file a written motion with the circuit court of the county or judicial
33 district in which the seizure occurred praying for an order directing the forfeiture of the matter.
34 Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place
35 and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer or
36 such person's agent. Such notice shall be served no less than five days before the hearing.

37 11. If the evidence is clear and convincing that the matter is obscene as defined by law, and
38 that the obscene material was being held or displayed for sale, exhibition, distribution or circulation
39 to the public or that the matter is pornographic for minors and that the pornographic material was

1 being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall
2 declare it to be obscene or pornographic for minors and forfeited to the state and order its
3 destruction or other disposition. A determination that the matter is obscene in a criminal proceeding
4 as well as a determination that such obscene material was held or displayed for sale, exhibition,
5 distribution or circulation to the public or a determination that the matter is pornographic for minors
6 in a criminal proceeding as well as a determination that such pornographic material was held or
7 displayed for sale, exhibition, distribution or circulation to minors shall be clear and convincing
8 evidence that such material should be forfeited to the state; except that, no forfeiture shall be
9 declared without the dealer, distributor or displayer being given a reasonable opportunity to appear
10 in opposition and without a judge having thoroughly examined each item. A dealer, distributor or
11 displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor
12 seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer,
13 distributor or displayer where the dealer, distributor or displayer has been charged and found guilty
14 of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the
15 public or pornographic material for minors to minors. If the matter is not found to be obscene, or if
16 obscene material is not found to have been held or displayed for sale, exhibition, distribution or
17 circulation to the public, or if the matter is not found to be pornographic for minors or if
18 pornographic material is not found to have been held or displayed for sale, exhibition, distribution or
19 circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer.

20 12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the
21 case shall be assigned for hearing at the earliest practicable date and expedited in every way.
22 Destruction or disposition of matter declared forfeited shall be postponed until the judgment has
23 become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is
24 no longer needed as evidence in a criminal proceeding.

25 13. A determination of obscenity shall not be admissible in any criminal proceeding against
26 any person or corporation for sale or possession of obscene matter.

27 14. An appeal by any party shall be allowed from the judgment of the court as in other civil
28 actions.

29 15. All other property still in the custody of an officer or of a court as the result of any
30 seizure and which has not been forfeited pursuant to this section or any other provision of law after
31 three years following the seizure and which has ceased to be useful as evidence shall be deemed
32 abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to
33 section 447.543.

34 566.010. As used in this chapter and chapter 568, the following terms mean:

35 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

36 (a) Inflicts serious physical injury on the victim;

37 (b) Displays a deadly weapon or dangerous instrument in a threatening manner;

38 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than
39 one person;

1 (d) Had previously been found guilty of an offense under this chapter or under section
 2 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a
 3 child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
 4 pornography in the first degree as it existed prior to August 28, 2024, or promoting child sexual
 5 abuse material in the first degree; section 573.035, promoting child pornography in the second
 6 degree as it existed prior to August 28, 2024, or promoting child sexual abuse material in the second
 7 degree; section 573.037, possession of child pornography as it existed prior to August 28, 2024, or
 8 possession of child sexual abuse material; or section 573.040, furnishing pornographic materials to
 9 minors; or has previously been found guilty of an offense in another jurisdiction which would
 10 constitute an offense under this chapter or said sections;

11 (e) Commits the offense as part of an act or series of acts performed by two or more persons
 12 as part of an established or prescribed pattern of activity; or

13 (f) Engages in the act that constitutes the offense with a person the actor knows to be,
 14 without regard to legitimacy, the actor's:

- 15 a. Ancestor or descendant by blood or adoption;
- 16 b. Stepchild while the marriage creating that relationship exists;
- 17 c. Brother or sister of the whole or half blood; or
- 18 d. Uncle, aunt, nephew, or niece of the whole blood;

19 (2) "Commercial sex act", any sex act on account of which anything of value is given to or
 20 received by any person;

21 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand,
 22 mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight,
 23 of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of
 24 arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

25 (4) "Forced labor", a condition of servitude induced by means of:

26 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the
 27 person does not enter into or continue the servitude, such person or another person will suffer
 28 substantial bodily harm or physical restraint; or

29 (b) The abuse or threatened abuse of the legal process;

30 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

31 (6) "Sexual contact", any touching of another person with the genitals or any touching of the
 32 genitals or anus of another person, or the breast of a female person, or such touching through the
 33 clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another
 34 person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose
 35 of terrorizing the victim;

36 (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the
 37 penis.

38 566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty
 39 of:

1 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
 2 incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of
 3 section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual
 4 performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a
 5 sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025,
 6 promoting child pornography in the first degree as it existed prior to August 28, 2024, or promoting
 7 child sexual abuse material in the first degree; section 573.035, promoting child pornography in the
 8 second degree as it existed prior to August 28, 2024, or promoting child sexual abuse material in the
 9 second degree; section 573.037, possession of child pornography as it existed prior to August 28,
 10 2024, or possession of child sexual abuse material; or section 573.040, furnishing pornographic
 11 material to minors; or

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

14
 15 shall not reside within one thousand feet of any public school as defined in section 160.011, any
 16 private school giving instruction in a grade or grades not higher than the twelfth grade, or any child
 17 care facility that is licensed under chapter 210, or any child care facility as defined in section
 18 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and
 19 holds itself out to be a child care facility, where the school or facility is in existence at the time the
 20 individual begins to reside at the location. Such person shall also not reside within one thousand
 21 feet of the property line of the residence of a former victim of such person.

22 2. If such person has already established a residence and a public school, a private school, or
 23 child care facility is subsequently built or placed within one thousand feet of such person's
 24 residence, or a former victim subsequently resides on property with a property line within one
 25 thousand feet of such person's residence, then such person shall, within one week of the opening of
 26 such public school, private school, or child care facility, or the former victim residing on the
 27 property, notify the county sheriff where such public school, private school, child care facility, or
 28 residence of a former victim is located that he or she is now residing within one thousand feet of
 29 such public school, private school, child care facility, or property line of the residence of a former
 30 victim, and shall provide verifiable proof to the sheriff that he or she resided there prior to the
 31 opening of such public school, private school, or child care facility, or the former victim residing on
 32 the property.

33 3. For purposes of this section, "resides" means sleeps in a residence, which may include
 34 more than one location and may be mobile or transitory, but shall not include transitory or longer
 35 term presence in facilities licensed under chapters 197 and 198 for purposes of receiving care,
 36 treatment, or services from such licensed facility.

37 4. For the purposes of ~~the~~ this section, one thousand feet shall be measured from the edge
 38 of the offender's property nearest the public school, private school, child care facility, or former

1 victim to the nearest edge of the public school, private school, child care facility, or former victim's
2 property.

3 5. Violation of the provisions of subsection 1 of this section is a class E felony except that
4 the second or any subsequent violation is a class B felony. Violation of the provisions of subsection
5 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E
6 felony.

7 566.148. 1. Any person who has been found guilty of:

8 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
9 incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of
10 section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual
11 performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a
12 sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025,
13 promoting child pornography in the first degree as it existed prior to August 28, 2024, or promoting
14 child sexual abuse material in the first degree; section 573.035, promoting child pornography in the
15 second degree as it existed prior to August 28, 2024, or promoting child sexual abuse material in the
16 second degree; section 573.037, possession of child pornography as it existed prior to August 28,
17 2024, or possession of child sexual abuse material; or section 573.040, furnishing pornographic
18 material to minors; or

19 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
20 violation listed in this section;

21
22 shall not knowingly be physically present in or loiter within five hundred feet of or to approach,
23 contact, or communicate with any child under eighteen years of age in any child care facility
24 building, on the real property comprising any child care facility when persons under the age of
25 eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a
26 parent, legal guardian, or custodian of a student present in the building or on the grounds.

27 2. For purposes of this section, "child care facility" shall include any child care facility
28 licensed under chapter 210, or any child care facility that is exempt from state licensure but subject
29 to state regulation under section 210.252 and holds itself out to be a child care facility.

30 3. Violation of the provisions of this section is a class A misdemeanor.

31 566.149. 1. Any person who has been found guilty of:

32 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
33 incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of
34 section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual
35 performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a
36 sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037,
37 possession of child pornography as it existed prior to August 28, 2024, or possession of child sexual
38 abuse material; section 573.025, promoting child pornography as it existed prior to August 28, 2024,

1 or promoting child sexual abuse material; or section 573.040, furnishing pornographic material to
2 minors; or

3 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
4 violation listed in this section;

5
6 shall not be present in or loiter within five hundred feet of any school building, on real property
7 comprising any school, or in any conveyance owned, leased, or contracted by a school to transport
8 students to or from school or a school-related activity when persons under the age of eighteen are
9 present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal
10 guardian, or custodian of a student present in the building and has met the conditions set forth in
11 subsection 2 of this section.

12 2. No parent, legal guardian, or custodian who has been found guilty of violating any of the
13 offenses listed in subsection 1 of this section shall be present in any school building, on real
14 property comprising any school, or in any conveyance owned, leased, or contracted by a school to
15 transport students to or from school or a school-related activity when persons under the age of
16 eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal
17 guardian, or custodian has permission to be present from the superintendent or school board or in
18 the case of a private school from the principal. In the case of a public school, if permission is
19 granted, the superintendent or school board president must inform the principal of the school where
20 the sex offender will be present. Permission may be granted by the superintendent, school board, or
21 in the case of a private school from the principal for more than one event at a time, such as a series
22 of events, however, the parent, legal guardian, or custodian must obtain permission for any other
23 event he or she wishes to attend for which he or she has not yet had permission granted.

24 3. Regardless of the person's knowledge of his or her proximity to school property or a
25 school-related activity, violation of the provisions of this section is a class A misdemeanor.

26 566.150. 1. Any person who has been found guilty of:

27 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
28 incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use
29 of a child in a sexual performance; section 573.205, promoting a sexual performance by a child;
30 section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography as it
31 existed prior to August 28, 2024, or promoting child sexual abuse material; section 573.037,
32 possession of child pornography as it existed prior to August 28, 2024, or possession of child sexual
33 abuse material; or section 573.040, furnishing pornographic material to minors; or

34 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
35 violation listed in this section;

36
37 shall not knowingly be present in or loiter within five hundred feet of any real property comprising
38 any public park with playground equipment, a public swimming pool, athletic complex or athletic
39 fields if such facilities exist for the primary use of recreation for children, any museum if such

1 museum holds itself out to the public as and exists with the primary purpose of entertaining or
 2 educating children under eighteen years of age, or Missouri department of conservation nature or
 3 education center properties.

4 2. The first violation of the provisions of this section is a class E felony.

5 3. A second or subsequent violation of this section is a class D felony.

6 4. Any person who has been found guilty of an offense under subdivision (1) or (2) of
 7 subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the age of
 8 eighteen attending a program on the property of a nature or education center of the Missouri
 9 department of conservation may receive permission from the nature or education center manager to
 10 be present on the property with the child during the program."; and

11
 12 Further amend said bill and page, Section 566.151, Line 12, by inserting after said section and line
 13 the following:

14
 15 "566.155. 1. Any person who has been found guilty of:

16 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
 17 incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use
 18 of a child in a sexual performance; section 573.205, promoting a sexual performance by a child;
 19 section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography as
 20 it existed prior to August 28, 2024, or possession of child sexual abuse material; section 573.025,
 21 promoting child pornography as it existed prior to August 28, 2024, or promoting child sexual abuse
 22 material; or section 573.040, furnishing pornographic material to minors; or

23 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
 24 violation listed in this section;

25
 26 shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child
 27 less than seventeen years of age is a member or shall not supervise or employ any child under
 28 eighteen years of age.

29 2. The first violation of the provisions of this section is a class E felony.

30 3. A second or subsequent violation of this section is a class D felony."; and

31
 32 Further amend said bill and page, Section 567.030, Line 20, by inserting after said section and line
 33 the following:

34
 35 "573.010. As used in this chapter the following terms shall mean:

36 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial
 37 establishment, regardless of whether alcoholic beverages are served, which regularly features
 38 persons who appear semi-nude;

39 (2) "Characterized by", describing the essential character or dominant theme of an item;

1 (3) "Child", any person under the age of fourteen;

2 (4) "Child ~~[pornography]~~ sexual abuse material":

3 (a) Any obscene material or performance depicting sexual conduct, sexual contact as
4 defined in section 566.010, or a sexual performance and which has as one of its participants or
5 portrays as an observer of such conduct, contact, or performance a minor; ~~[or]~~

6 (b) Any visual depiction, including any photograph, film, video, picture, or computer or
7 computer-generated image or picture, whether made or produced by electronic, mechanical, or other
8 means, of sexually explicit conduct where:

9 a. The production of such visual depiction involves the use of a minor engaging in sexually
10 explicit conduct;

11 b. Such visual depiction is a digital image, computer image, or computer-generated image
12 that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the
13 depiction is such that an ordinary person viewing the depiction would conclude that the depiction is
14 of an actual minor engaged in sexually explicit conduct; or

15 c. Such visual depiction has been created, adapted, or modified to show that an identifiable
16 minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who was a
17 minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor
18 was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an
19 actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique
20 birthmark or other recognizable feature. The term identifiable minor shall not be construed to
21 require proof of the actual identity of the identifiable minor; or

22 (c) Any anatomically correct doll, mannequin, or robot, or any other item, with features of,
23 or with features that resemble those of, a minor under eighteen years of age, intended to be used for
24 the purpose of arousing or gratifying the sexual desire of any person, or for the purpose of
25 terrorizing or causing emotional distress to any person;

26 (5) "Employ", "employee", or "employment", any person who performs any service on the
27 premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not
28 the person is denominated an employee, independent contractor, agent, or otherwise. Employee
29 does not include a person exclusively on the premises for repair or maintenance of the premises or
30 for the delivery of goods to the premises;

31 (6) "Explicit sexual material", any pictorial or three-dimensional material depicting human
32 masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed
33 genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals;
34 provided, however, that works of art or of anthropological significance shall not be deemed to be
35 within the foregoing definition;

36 (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,
37 disseminate, present, exhibit or otherwise provide;

38 (8) "Material", anything printed or written, or any picture, drawing, photograph, motion
39 picture film, videotape or videotape production, or pictorial representation, or any recording or

1 transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or
2 anything which is or may be used as a means of communication. Material includes undeveloped
3 photographs, molds, printing plates, stored computer data and other latent representational objects;

4 (9) "Minor", any person less than eighteen years of age;

5 (10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva,
6 anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple
7 or areola;

8 (11) "Obscene", any material or performance if, taken as a whole:

9 (a) Applying contemporary community standards, its predominant appeal is to prurient
10 interest in sex; and

11 (b) The average person, applying contemporary community standards, would find the
12 material depicts or describes sexual conduct in a patently offensive way; and

13 (c) A reasonable person would find the material lacks serious literary, artistic, political or
14 scientific value;

15 (12) "Operator", any person on the premises of a sexually oriented business who causes the
16 business to function, puts or keeps the business in operation, or is authorized to manage the business
17 or exercise overall operational control of the business premises. A person may be found to be
18 operating or causing to be operated a sexually oriented business whether or not such person is an
19 owner, part owner, or licensee of the business;

20 (13) "Performance", any play, motion picture film, videotape, dance or exhibition performed
21 before an audience of one or more;

22 (14) "Pornographic for minors", any material or performance if the following apply:

23 (a) The average person, applying contemporary community standards, would find that the
24 material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of
25 minors; and

26 (b) The material or performance depicts or describes nudity, sexual conduct, the condition of
27 human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way
28 which is patently offensive to the average person applying contemporary adult community standards
29 with respect to what is suitable for minors; and

30 (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or
31 scientific value for minors;

32 (15) "Premises", the real property upon which a sexually oriented business is located, and
33 all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented
34 business, the grounds, private walkways, and parking lots or parking garages or both;

35 (16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
36 publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the
37 same, by any means including a computer;

38 (17) "Regularly", the consistent and repeated doing of the act so described;

1 (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual
2 stimulation or gratification;

3 (19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a
4 horizontal line across the top of the areola and extending across the width of the breast at such point,
5 or the showing of the male or female buttocks. Such definition includes the lower portion of the
6 human female breast, but shall not include any portion of the cleavage of the female breasts
7 exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is
8 not exposed in whole or in part;

9 (20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation;
10 deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or
11 unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual
12 stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent
13 objects in an act of apparent sexual stimulation or gratification;

14 (21) "Sexually explicit conduct", actual or simulated:

15 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal,
16 whether between persons of the same or opposite sex;

17 (b) Bestiality;

18 (c) Masturbation;

19 (d) Sadistic or masochistic abuse; or

20 (e) Lascivious exhibition of the genitals or pubic area of any person;

21 (22) "Sexually oriented business" includes:

22 (a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means
23 a commercial establishment which, as one of its principal business activities, offers for sale or rental
24 for any form of consideration any one or more of the following: books, magazines, periodicals, or
25 other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital
26 video discs, slides, or other visual representations which are characterized by their emphasis upon
27 the display of specified sexual activities or specified anatomical areas. A principal business activity
28 exists where the commercial establishment:

29 a. Has a substantial portion of its displayed merchandise which consists of such items; or

30 b. Has a substantial portion of the wholesale value of its displayed merchandise which
31 consists of such items; or

32 c. Has a substantial portion of the retail value of its displayed merchandise which consists of
33 such items; or

34 d. Derives a substantial portion of its revenues from the sale or rental, for any form of
35 consideration, of such items; or

36 e. Maintains a substantial section of its interior business space for the sale or rental of such
37 items; or

38 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is
39 permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or

1 mechanically controlled still or motion picture machines, projectors, or other image-producing
2 devices are regularly maintained to show images to five or fewer persons per machine at any one
3 time, and where the images so displayed are characterized by their emphasis upon matter exhibiting
4 specified sexual activities or specified anatomical areas;

5 (b) An adult cabaret;

6 (c) An adult motion picture theater. "Adult motion picture theater" means a commercial
7 establishment where films, motion pictures, video cassettes, slides, or similar photographic
8 reproductions, which are characterized by their emphasis upon the display of specified sexual
9 activities or specified anatomical areas are regularly shown to more than five persons for any form
10 of consideration;

11 (d) A semi-nude model studio. "Semi-nude model studio" means a place where persons
12 regularly appear in a state of semi-nudity for money or any form of consideration in order to be
13 observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other
14 persons. Such definition shall not apply to any place where persons appearing in a state of semi-
15 nudity do so in a modeling class operated:

16 a. By a college, junior college, or university supported entirely or partly by taxation;

17 b. By a private college or university which maintains and operates educational programs in
18 which credits are transferable to a college, junior college, or university supported entirely or partly
19 by taxation; or

20 c. In a structure:

21 (i) Which has no sign visible from the exterior of the structure and no other advertising that
22 indicates a semi-nude person is available for viewing; and

23 (ii) Where, in order to participate in a class, a student must enroll at least three days in
24 advance of the class;

25 (e) A sexual encounter center. "Sexual encounter center" means a business or commercial
26 enterprise that, as one of its principal purposes, purports to offer for any form of consideration
27 physical contact in the form of wrestling or tumbling between two or more persons when one or
28 more of the persons is semi-nude;

29 (23) "Sexual performance", any performance, or part thereof, which includes sexual conduct
30 by a child who is less than eighteen years of age;

31 (24) "Specified anatomical areas" include:

32 (a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and
33 female breast below a point immediately above the top of the areola; and

34 (b) Human male genitals in a discernibly turgid state, even if completely and opaquely
35 covered;

36 (25) "Specified sexual activity", includes any of the following:

37 (a) Intercourse, oral copulation, masturbation, or sodomy; or

38 (b) Excretory functions as a part of or in connection with any of the activities described in
39 paragraph (a) of this subdivision;

1 (26) "Substantial", at least thirty percent of the item or items so modified;

2 (27) "Visual depiction", includes undeveloped film and videotape, and data stored on
3 computer disk or by electronic means which is capable of conversion into a visual image.

4 573.023. 1. A person commits the offense of sexual exploitation of a minor if such person
5 knowingly or recklessly photographs, films, videotapes, produces or otherwise creates obscene
6 material with a minor or child ~~[pornography]~~ sexual abuse material.

7 2. The offense of sexual exploitation of a minor is a class B felony unless the minor is a
8 child, in which case it is a class A felony.

9 573.025. 1. A person commits the offense of promoting child ~~[pornography]~~ sexual abuse
10 material in the first degree if, knowing of its content and character, such person possesses with the
11 intent to promote or promotes child ~~[pornography]~~ sexual abuse material of a child less than
12 fourteen years of age or obscene material portraying what appears to be a child less than fourteen
13 years of age.

14 2. The offense of promoting child ~~[pornography]~~ sexual abuse material in the first degree is
15 a class B felony unless the person knowingly promotes such material to a minor, in which case it is a
16 class A felony. No person who is found guilty of promoting child ~~[pornography]~~ sexual abuse
17 material in the first degree shall be eligible for probation, parole, or conditional release for a period
18 of three calendar years.

19 3. Nothing in this section shall be construed to require a provider of electronic
20 communication services or remote computing services to monitor any user, subscriber or customer
21 of the provider, or the content of any communication of any user, subscriber or customer of the
22 provider.

23 573.035. 1. A person commits the offense of promoting child ~~[pornography]~~ sexual abuse
24 material in the second degree if, knowing of its content and character, such person possesses with
25 the intent to promote or promotes child ~~[pornography]~~ sexual abuse material of a minor under the
26 age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen.

27 2. The offense of promoting child ~~[pornography]~~ sexual abuse material in the second degree
28 is a class D felony unless the person knowingly promotes such material to a minor, in which case it
29 is a class B felony. No person who is found guilty of promoting child ~~[pornography]~~ sexual abuse
30 material in the second degree shall be eligible for probation.

31 573.037. 1. A person commits the offense of possession of child ~~[pornography]~~ sexual
32 abuse material if such person knowingly or recklessly possesses any child ~~[pornography]~~ sexual
33 abuse material of a minor less than eighteen years of age or obscene material portraying what
34 appears to be a minor less than eighteen years of age.

35 2. The offense of possession of child ~~[pornography]~~ sexual abuse material is a class D
36 felony if the person possesses one still image of child ~~[pornography]~~ sexual abuse material or one
37 obscene still image. The offense of possession of child ~~[pornography]~~ sexual abuse material is a
38 class B felony if the person:

39 (1) Possesses:

- 1 (a) More than twenty still images of child [~~pornography~~] sexual abuse material; or
 2 (b) More than twenty obscene still images; or
 3 (c) Child [~~pornography~~] sexual abuse material comprised of one motion picture, film,
 4 videotape, videotape production, or other moving image; or
 5 (d) Obscene material comprised of one motion picture, film, videotape production, or other
 6 moving image; or
 7 (2) Has previously been found guilty of an offense under this section.
 8 3. A person who has committed the offense of possession of child [~~pornography~~] sexual
 9 abuse material is subject to separate punishments for each item of child [~~pornography~~] sexual abuse
 10 material or obscene material possessed by the person.

11 573.038. 1. In any criminal proceeding, any property or material that constitutes child
 12 pornography as it existed prior to August 28, 2024, or child sexual abuse material shall remain in the
 13 care, custody, and control of either the state or the court.

14 2. (1) Notwithstanding Missouri rule of criminal procedure 25.03 or any other rule or
 15 statute to the contrary, a court shall deny, in any criminal proceeding, any request by the defendant
 16 to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child
 17 pornography as it existed prior to August 28, 2024, or child sexual abuse material, so long as the
 18 state makes the property or material reasonably available to the defendant.

19 (2) For the purposes of subdivision (1) of this subsection, property or material shall be
 20 deemed to be reasonably available to the defendant if the state provides ample opportunity for
 21 inspection, viewing, and examination at a state or other governmental facility of the property or
 22 material by the defendant, his or her attorney, and any individual the defendant may seek to qualify
 23 to furnish expert testimony at trial.

24 573.050. 1. In any prosecution under this chapter evidence shall be admissible to show:

- 25 (1) What the predominant appeal of the material or performance would be for ordinary
 26 adults or minors;
 27 (2) The literary, artistic, political or scientific value of the material or performance;
 28 (3) The degree of public acceptance in this state and in the local community;
 29 (4) The appeal to prurient interest in advertising or other promotion of the material or
 30 performance;
 31 (5) The purpose of the author, creator, promoter, furnisher or publisher of the material or
 32 performance.

33 2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony,
 34 relating to factors entering into the determination of the issues of obscenity or child pornography as
 35 it existed prior to August 28, 2024, or child sexual abuse material, shall be admissible.

36 3. In any prosecution under this chapter, when it becomes necessary to determine whether a
 37 person was less than seventeen or eighteen years of age, the court or jury may make this
 38 determination by any of the following methods:

- 39 (1) Personal inspection of the child;

1 (2) Inspection of the photograph or motion picture that shows the child engaging in the
2 sexual performance;

3 (3) Oral testimony by a witness to the sexual performance as to the age of the child based on
4 the child's appearance at the time;

5 (4) Expert medical testimony based on the appearance of the child engaging in the sexual
6 performance; or

7 (5) Any other method authorized by law or by the rules of evidence.

8 4. In any prosecution for promoting child pornography in the first or second degree as it
9 existed prior to August 28, 2024, or for promoting child sexual abuse material in the first or second
10 degree, no showing is required that the performance or material involved appeals to prurient
11 interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently
12 offensive to prevailing standards in the community as a whole.

13 573.052. Upon receipt of any information that child [~~pornography~~] sexual abuse material as
14 defined in section 573.010 is contained on a website, the attorney general shall investigate such
15 information. If the attorney general has probable cause to believe the website contains child
16 [~~pornography~~] sexual abuse material, the attorney general shall notify a website operator of any
17 child [~~pornography~~] sexual abuse material site residing on that website operator's server, in writing.
18 If the website operator promptly, but in no event longer than five days after receiving notice,
19 removes the alleged pornography from its server, and so long as the website operator is not the
20 purveyor of such child [~~pornography~~] sexual abuse material, it shall be immune from civil liability.
21 If the website operator does not promptly remove the alleged pornography, the attorney general may
22 seek an injunction pursuant to section 573.070 to remove the child [~~pornography~~] sexual abuse
23 material site from the website operator's server. This section shall not be construed to create any
24 defense to any criminal charges brought pursuant to this chapter.

25 573.215. 1. A person commits the offense of failure to report child [~~pornography~~] sexual
26 abuse material if he or she being a film and photographic print processor, computer provider,
27 installer or repair person, or any internet service provider who has knowledge of or observes, within
28 the scope of the person's professional capacity or employment, any film, photograph, videotape,
29 negative, slide, or computer-generated image or picture depicting a child under eighteen years of
30 age engaged in an act of sexual conduct fails to report such instance to any law enforcement agency
31 immediately or as soon as practically possible.

32 2. The offense of failure to report child [~~pornography~~] sexual abuse material is a class B
33 misdemeanor.

34 3. Nothing in this section shall be construed to require a provider of electronic
35 communication services or remote computing services to monitor any user, subscriber or customer
36 of the provider, or the content of any communication of any user, subscriber or customer of the
37 provider.

38 589.042. The court or the parole board shall have the authority to require a person who is
39 required to register as a sexual offender under sections 589.400 to 589.425 to give his or her

1 assigned probation or parole officer access to his or her personal home computer as a condition of
2 probation or parole in order to monitor and prevent such offender from obtaining and keeping child
3 ~~[pornography]~~ sexual abuse material or from committing an offense under chapter 566. Such access
4 shall allow the probation or parole officer to view the internet use history, computer hardware, and
5 computer software of any computer, including a laptop computer, that the offender owns.

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

7 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an offense
8 referenced in section 589.414, unless such person is exempt from registering under subsection 9 or
9 10 of this section or section 589.401;

10 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
11 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to
12 commit one or more of the following offenses: kidnapping or kidnapping in the first degree when
13 the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child
14 under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the
15 second degree when the victim was a child and the defendant is not a parent or guardian of the child;
16 sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a
17 nursing facility resident or vulnerable person in the first or second degree; endangering the welfare
18 of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a
19 female child, under section 568.065; promoting prostitution in the first degree; promoting
20 prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a
21 minor; promoting child pornography in the first degree as it existed prior to August 28, 2024;
22 promoting child sexual abuse material in the first degree; promoting child pornography in the
23 second degree as it existed prior to August 28, 2024; promoting child sexual abuse material in the
24 second degree; possession of child pornography as it existed prior to August 28, 2024; possession of
25 child sexual abuse material; furnishing pornographic material to minors; public display of explicit
26 sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree;
27 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
28 sexual performance; or promoting sexual performance by a child; patronizing prostitution if the
29 individual the person patronizes is less than eighteen years of age;

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

32 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
33 disease or defect of any offense referenced in section 589.414;

34 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who
35 has been adjudicated for an offense listed under section 589.414;

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

1 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
2 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country, or
3 under federal, tribal, or military jurisdiction for an offense which, if committed in this state, would
4 constitute an offense listed under section 589.414, or has been or is required to register in another
5 state, territory, the District of Columbia, or foreign country, or has been or is required to register
6 under tribal, federal, or military law; or

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

13 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business days
14 of adjudication, release from incarceration, or placement upon probation, register with the chief law
15 enforcement official of the county or city not within a county in which such person resides unless
16 such person has already registered in that county for the same offense. For any juvenile under
17 subdivision (6) of subsection 1 of this section, within three business days of adjudication or release
18 from commitment to the division of youth services, the department of mental health, or other
19 placement, such juvenile shall register with the chief law enforcement official of the county or city
20 not within a county in which he or she resides unless he or she has already registered in such county
21 or city not within a county for the same offense. Any person to whom sections 589.400 to 589.425
22 apply if not currently registered in their county of residence shall register with the chief law
23 enforcement official of such county or city not within a county within three business days. The
24 chief law enforcement official shall forward a copy of the registration form required by section
25 589.407 to a city, town, village, or campus law enforcement agency located within the county of the
26 chief law enforcement official.

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

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

30 (2) The registrant is no longer required to register and his or her name shall be removed
31 from the registry under the provisions of section 589.414; or

32 (3) The court orders the removal or exemption of such person from the registry under
33 section 589.401.

34 4. The registration requirements shall be as follows:

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

36 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
37 589.414; or

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

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

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

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

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

8 (d) Successfully completing an appropriate sex offender treatment program certified by the
9 attorney general.

10 (2) In the case of a:

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

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

16 (3) In the case of a:

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

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

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

22 7. For processing any change in registration required pursuant to section 589.414 the chief
23 law enforcement official of the county or city not within a county may charge the person changing
24 their registration a fee of five dollars for each change made after the initial registration.

25 8. Any person currently on the sexual offender registry or who otherwise would be required
26 to register for being adjudicated for the offense of felonious restraint of a nonsexual nature when the
27 victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that
28 was committed under section 568.060, or kidnapping of a nonsexual nature when the victim was a
29 child and he or she was the parent or guardian of the child shall be removed from the registry.
30 However, such person shall remain on the sexual offender registry for any other offense for which
31 he or she is required to register under sections 589.400 to 589.425.

32 9. The following persons shall be exempt from registering as a sexual offender upon petition
33 to the court of jurisdiction under section 589.401; except that, such person shall remain on the
34 sexual offender registry for any other offense for which he or she is required to register under
35 sections 589.400 to 589.425:

36 (1) Any person currently on the sexual offender registry or who otherwise would be required
37 to register for a sexual offense involving:

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

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

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

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

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

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

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

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

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

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

16 (h) Contributing to human trafficking through the misuse of documentation under section
 17 566.215; or

18 (i) Acting as an international marriage broker and failing to provide the information and
 19 notice as required under section 578.475.

20 10. Any person currently on the sexual offender registry for having been adjudicated for a
 21 tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed
 22 under section 589.414 may file a petition under section 589.401.

23 11. Any nonresident worker, including work as a volunteer or intern, or nonresident student
 24 shall register for the duration of such person's employment, including participation as a volunteer or
 25 intern, or attendance at any school of higher education whether public or private, including any
 26 secondary school, trade school, professional school, or institution of higher education on a full-time
 27 or part-time basis in this state unless granted relief under section 589.401. Any registered offender
 28 shall provide information regarding any place in which the offender is staying when away from his
 29 or her residence for seven or more days, including the period of time the offender is staying in such
 30 place. Any registered offender from another state who has a temporary residence in this state and
 31 resides more than seven days in a twelve-month period shall register for the duration of such
 32 person's temporary residency unless granted relief under section 589.401.

33 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
 34 three business days, appear in person to the chief law enforcement officer of the county or city not
 35 within a county if there is a change to any of the following information:

36 (1) Name;

37 (2) Residence;

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

39 (4) Student status; or

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

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

5 (1) Vehicle information;

6 (2) Temporary lodging information;

7 (3) Temporary residence information;

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

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

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

15 4. If any person required by sections 589.400 to 589.425 to register changes such person's
16 residence or address to a different county or city not within a county, the person shall appear in
17 person and shall inform both the chief law enforcement official with whom the person last registered
18 and the chief law enforcement official of the county or city not within a county having jurisdiction
19 over the new residence or address in writing within three business days of such new address and
20 phone number, if the phone number is also changed. If any person required by sections 589.400 to
21 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or
22 federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall
23 inform both the chief law enforcement official with whom the person was last registered and the
24 chief law enforcement official of the area in the new state, territory, the District of Columbia, or
25 foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence
26 or address within three business days of such new address. Whenever a registrant changes
27 residence, the chief law enforcement official of the county or city not within a county where the
28 person was previously registered shall inform the Missouri state highway patrol of the change within
29 three business days. When the registrant is changing the residence to a new state, territory, the
30 District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state
31 highway patrol shall inform the responsible official in the new state, territory, the District of
32 Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three
33 business days.

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

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

- 1 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of
2 age or older;
- 3 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the
4 punishment is less than one year;
- 5 (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a
6 year;
- 7 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
- 8 (e) Kidnapping in the third degree under section 565.130;
- 9 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
10 under section 566.115 if the punishment is less than one year;
- 11 (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable
12 person;
- 13 (h) Sexual ~~[contact with a prisoner or offender]~~ conduct in the course of public duty under
14 section 566.145 if the victim is eighteen years of age or older;
- 15 (i) Sex with an animal under section 566.111;
- 16 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is
17 eighteen years of age or older;
- 18 (k) Possession of child pornography under section 573.037 as it existed prior to August 28,
19 2024;
- 20 (l) Possession of child sexual abuse material under section 573.037;
- 21 (m) Sexual misconduct in the first degree under section 566.093;
- 22 ~~(n)~~ (n) Sexual misconduct in the second degree under section 566.095;
- 23 ~~(o)~~ (o) Child molestation in the second degree under section 566.068 as it existed prior to
24 January 1, 2017, if the punishment is less than one year; or
- 25 ~~(p)~~ (p) Invasion of privacy under section 565.252 if the victim is less than eighteen years
26 of age;
- 27 (2) Any offender who is or has been adjudicated in any other state, territory, the District of
28 Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a
29 sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this
30 subsection or, if not comparable to those in this subsection, comparable to those described as tier I
31 offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
32 Protection and Safety Act of 2006, Pub. L. 109-248.
- 33 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
34 section, shall report semiannually in person in the month of their birth and six months thereafter to
35 the chief law enforcement official to verify the information contained in their statement made
36 pursuant to section 589.407. Tier II sexual offenders include:
- 37 (1) Any offender who has been adjudicated for the offense of:
- 38 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to
39 seventeen years of age;

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

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

5 (d) Enticement of a child under section 566.151;

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

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

9 (g) Promoting child pornography in the first degree under section 573.025 as it existed prior
10 to August 28, 2024;

11 (h) Promoting child sexual abuse material in the first degree under section 573.025;

12 (i) Promoting child pornography in the second degree under section 573.035 as it existed
13 prior to August 28, 2024;

14 (j) Promoting child sexual abuse material in the second degree under section 573.035;

15 [~~(i)~~] (k) Patronizing prostitution under section 567.030;

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

18 [~~(k)~~] (m) Child molestation in the fourth degree under section 566.071 if the victim is
19 thirteen to seventeen years of age;

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

22 [~~(m)~~] (o) Age misrepresentation with intent to solicit a minor under section 566.153;

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

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

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

37 (1) Any offender registered as a predatory sexual offender as defined in section 566.123 or a
38 persistent sexual offender as defined in section 566.124;

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

- 1 (a) Rape in the first degree under section 566.030;
- 2 (b) Statutory rape in the first degree under section 566.032;
- 3 (c) Rape in the second degree under section 566.031;
- 4 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
5 offense is sexual in nature;
- 6 (e) Sodomy in the first degree under section 566.060;
- 7 (f) Statutory sodomy under section 566.062;
- 8 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
- 9 (h) Sodomy in the second degree under section 566.061;
- 10 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or
11 subsequent offense;
- 12 (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen
13 years of age;
- 14 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years
15 of age, excluding kidnapping by a parent or guardian;
- 16 (l) Child kidnapping under section 565.115;
- 17 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
18 under section 566.115 if the punishment is greater than a year;
- 19 (n) Incest under section 568.020;
- 20 (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual
21 intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 22 (p) Child molestation in the first degree under section 566.067;
- 23 (q) Child molestation in the second degree under section 566.068;
- 24 (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen
25 years of age;
- 26 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
27 eighteen years of age;
- 28 (t) Promoting prostitution in the second degree under section 567.060 if the victim is under
29 eighteen years of age;
- 30 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
31 eighteen years of age;
- 32 (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen
33 years of age;
- 34 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is
35 under eighteen years of age;
- 36 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 37 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 38 (z) Genital mutilation of a female child under section 568.065;
- 39 (aa) Statutory rape in the second degree under section 566.034;

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

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

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

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

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

10 (gg) ~~[Sexual intercourse with a prisoner or offender under section 566.145;~~

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

13 ~~[(ii)]~~ (hh) Use of a child in a sexual performance under section 573.200; or

14 ~~[(jj)]~~ (ii) Promoting a sexual performance by a child under section 573.205;

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

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

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

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

35 9. If a person who is required to register as a sexual offender under sections 589.400 to
36 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
37 report such information in the same manner as a change of residence before using such online
38 identifier."; and

39

1 Further amend said bill, Page 14, Section 590.050, Line 25, by inserting after said section and line
2 the following:

3
4 "650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation
5 Fund". The treasurer shall be custodian of the fund and may approve disbursements from the fund
6 in accordance with sections 30.170 and 30.180. The department of public safety shall be the
7 administrator of the fund. Moneys in the fund shall be used solely for the administration of the
8 grant program established under this section. Notwithstanding the provisions of section 33.080 to
9 the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the
10 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same
11 manner as other funds are invested. Any interest and moneys earned on such investments shall be
12 credited to the fund.

13 2. The department of public safety shall create a program to distribute grants to
14 multijurisdictional internet cyber crime law enforcement task forces, multijurisdictional
15 enforcement groups, as defined in section 650.153, that are investigating internet sex crimes against
16 children, and other law enforcement agencies. The program shall be funded by the cyber crime
17 investigation fund created under subsection 1 of this section. Not more than three percent of the
18 money in the fund may be used by the department to pay the administrative costs of the grant
19 program. The grants shall be awarded and used to pay the salaries of detectives and computer
20 forensic personnel whose focus is investigating internet sex crimes against children, including but
21 not limited to enticement of a child, possession or promotion of child ~~[pornography]~~ sexual abuse
22 material, provide funding for the training of law enforcement personnel and prosecuting and circuit
23 attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary
24 equipment, supplies, and services. The funding for such training may be used to cover the travel
25 expenses of those persons participating.

26 3. A panel is hereby established in the department of public safety to award grants under this
27 program and shall be comprised of the following members:

28 (1) The director of the department of public safety, or his or her designee;

29 (2) Two members appointed by the director of the department of public safety from a list of
30 six nominees submitted by the Missouri Police Chiefs Association;

31 (3) Two members appointed by the director of the department of public safety from a list of
32 six nominees submitted by the Missouri Sheriffs' Association;

33 (4) Two members of the state highway patrol appointed by the director of the department of
34 public safety from a list of six nominees submitted by the Missouri State Troopers Association;

35 (5) One member of the house of representatives appointed by the speaker of the house of
36 representatives; and

37 (6) One member of the senate appointed by the president pro tem.

38
39 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall

1 serve a four-year term ending four years from the date of expiration of the term for which his or her
2 predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of
3 such a term shall be appointed for the remainder of the term. Such members shall hold office for the
4 term of his or her appointment and until a successor is appointed. The members of the panel shall
5 receive no additional compensation but shall be eligible for reimbursement for mileage directly
6 related to the performance of panel duties.

7 4. Local matching amounts, which may include new or existing funds or in-kind resources
8 including but not limited to equipment or personnel, are required for multijurisdictional internet
9 cyber crime law enforcement task forces and other law enforcement agencies to receive grants
10 awarded by the panel. Such amounts shall be determined by the state appropriations process or by
11 the panel.

12 5. When awarding grants, priority should be given to newly hired detectives and computer
13 forensic personnel.

14 6. The panel shall establish minimum training standards for detectives and computer
15 forensic personnel participating in the grant program established in subsection 2 of this section.

16 7. Multijurisdictional internet cyber crime law enforcement task forces and other law
17 enforcement agencies participating in the grant program established in subsection 2 of this section
18 shall share information and cooperate with the highway patrol and with existing internet crimes
19 against children task force programs.

20 8. The panel may make recommendations to the general assembly regarding the need for
21 additional resources or appropriations.

22 9. The power of arrest of any peace officer who is duly authorized as a member of a
23 multijurisdictional internet cyber crime law enforcement task force shall only be exercised during
24 the time such peace officer is an active member of such task force and only within the scope of the
25 investigation on which the task force is working. Notwithstanding other provisions of law to the
26 contrary, such task force officer shall have the power of arrest, as limited in this subsection,
27 anywhere in the state and shall provide prior notification to the chief of police of a municipality or
28 the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such
29 arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and
30 as soon as practical. The chief of police or sheriff may elect to work with the multijurisdictional
31 internet cyber crime law enforcement task force at his or her option when such task force is
32 operating within the jurisdiction of such chief of police or sheriff.

33 10. Under section 23.253 of the Missouri sunset act:

34 (1) The provisions of the new program authorized under this section shall be reauthorized
35 on August 28, 2014, and shall expire on December 31, 2024, unless reauthorized by an act of the
36 general assembly; and

37 (2) If such program is reauthorized, the program authorized under this section shall sunset
38 automatically twelve years after the effective date of the reauthorization of this section; and

1 (3) This section shall terminate on September first of the calendar year immediately
2 following the calendar year in which the program authorized under this section is sunset.

3 660.520. 1. There is hereby established in the department of social services a special team,
4 to be known as the "state technical assistance team", to assist in cases of child abuse, child neglect,
5 child sexual abuse, child exploitation, child ~~[pornography]~~ sexual abuse material, or child fatality. It
6 shall be the priority of the team to focus on those cases in which more than one report has been
7 received. The team shall:

8 (1) Provide assistance, expertise, and training to child protection agencies and
9 multidisciplinary teams for the investigation and prosecution of child abuse, child neglect, child
10 sexual abuse, child exploitation, child ~~[pornography]~~ sexual abuse material, or child fatality cases;

11 (2) Assist in the investigation of child abuse, child neglect, child sexual abuse, child
12 exploitation, child ~~[pornography]~~ sexual abuse material, or child fatality cases, upon the request of a
13 local, county, state, or federal law enforcement agency, county, state, or federal prosecutor, a
14 representative of the family courts, medical examiner, coroner, juvenile officer, or department of
15 social services staff. Upon being requested to assist in an investigation, the state technical
16 assistance team shall notify appropriate parties specified in this subdivision of the team's
17 involvement. State technical assistance team investigators licensed as peace officers by the director
18 of the department of public safety pursuant to chapter 590 shall be deemed to be peace officers
19 within the state of Missouri while acting in an investigation or on behalf of a child. The power of
20 arrest of a state technical assistance team investigator acting as a peace officer shall be limited to
21 offenses involving child abuse, child neglect, child sexual abuse, child exploitation, child
22 ~~[pornography]~~ sexual abuse material, child fatality, or in situations of imminent danger to the
23 investigator or another person;

24 (3) Assist county multidisciplinary teams to develop and implement protocols for the
25 investigation and prosecution of child abuse, child neglect, child sexual abuse, child exploitation,
26 child ~~[pornography]~~ sexual abuse material, or child fatality cases.

27 2. The team may call upon the expertise of the office of the attorney general, the Missouri
28 office of prosecution services, the state highway patrol, the department of health and senior services,
29 the department of mental health or any other agency or institution.

30 3. Each county may develop a multidisciplinary team for the purpose of determining the
31 appropriate investigative and therapeutic action to be initiated on complaints referenced in
32 subsection 1 of this section reported to the children's division. The multidisciplinary team may
33 include, but is not limited to, a prosecutor, or his or her representative, an investigator from the
34 children's division, a physician, a representative from a mental health care services agency and a
35 representative of the police agency of primary jurisdiction.

36 4. All reports and records made and maintained by the state technical assistance team or
37 local law enforcement relating to criminal investigations conducted pursuant to this section,
38 including arrests, shall be available in the same manner as law enforcement records, as set forth in
39 sections 610.100 to 610.200, and to the individuals identified in subdivision (13) of subsection 2 of

1 section 210.150. All other records shall be available in the same manner as provided for in section
2 210.150."; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.