

SECOND REGULAR SESSION

HOUSE BILL NO. 1450

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (6).

3269H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.656, 67.2540, 168.071, 210.1080, 210.1505, 324.012, 329.050, 339.100, 491.075, 492.304, 537.046, 542.301, 566.010, 566.147, 566.148, 566.149, 566.150, 566.151, 566.155, 566.211, 566.218, 567.030, 573.010, 573.023, 573.025, 573.035, 573.037, 573.038, 573.050, 573.052, 573.215, 589.042, 589.400, 589.414, 650.120, and 660.520, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the protection of children and vulnerable persons, with penalty provisions.

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

Section A. Sections 43.656, 67.2540, 168.071, 210.1080, 210.1505, 324.012, 2 329.050, 339.100, 491.075, 492.304, 537.046, 542.301, 566.010, 566.147, 566.148, 566.149, 3 566.150, 566.151, 566.155, 566.211, 566.218, 567.030, 573.010, 573.023, 573.025, 573.035, 4 573.037, 573.038, 573.050, 573.052, 573.215, 589.042, 589.400, 589.414, 650.120, and 5 660.520, RSMo, are repealed and thirty-seven new sections enacted in lieu thereof, to be 6 known as sections 43.656, 67.2540, 168.071, 210.1080, 210.1505, 324.012, 329.050, 7 339.100, 491.075, 492.304, 537.046, 542.301, 566.010, 566.147, 566.148, 566.149, 566.150, 8 566.151, 566.155, 566.201, 566.211, 566.218, 567.030, 573.010, 573.023, 573.025, 573.035, 9 573.037, 573.038, 573.050, 573.052, 573.215, 589.042, 589.400, 589.414, 650.120, and 10 660.520, to read as follows:

43.656. It is hereby found and declared that:

- 2 (1) With the widespread use of computers, the internet and electronic devices to
3 commit crimes and the critical lack of resources at state and local levels;
- 4 (2) Modern day criminals have learned to exploit the internet and electronic
5 communication to leverage computer technology to reach a virtually unlimited number of

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 victims while maintaining a maximum level of anonymity[5]. Computer crimes will continue
7 to mount, especially in, but not limited to, the areas of child [~~pornography~~] **sexual abuse**
8 **material** and sexual offenses involving children, consumer fraud and harassment;

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

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

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

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

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

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

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

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

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

37 (8) "Sexually oriented materials", any pictorial or three-dimensional material, or film,
38 motion picture, DVD, video cassette, or similar photographic reproduction, that depicts
39 nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined in section
40 573.010;

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

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

50 (b) For which:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 2. A public school district may file charges seeking the discipline of a holder of a
19 certificate of license to teach based upon any cause or combination of causes outlined in
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of
22 the district, or by the president of the board of education as authorized by a majority of the
23 board of education. The board of education may also petition the office of the attorney
24 general to file charges on behalf of the school district for any cause other than annulment of
25 contract, with acceptance of the petition at the discretion of the attorney general.

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

31 4. If the underlying conduct or actions which are the basis for charges filed pursuant
32 to this section are also the subject of a pending criminal charge against the person holding
33 such certificate, the certificate holder may request, in writing, a delayed hearing on advice of
34 counsel under the fifth amendment of the Constitution of the United States. Based upon such

35 a request, no hearing shall be held until after a trial has been completed on this criminal
36 charge.

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

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

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

47 (2) Any of the following sexual offenses: rape in the first degree under section
48 566.030; forcible rape; rape; statutory rape in the first degree under section 566.032; statutory
49 rape in the second degree under section 566.034; rape in the second degree under section
50 566.031; sexual assault under section 566.040 as it existed prior to August 28, 2013; sodomy
51 in the first degree under section 566.060; forcible sodomy under section 566.060 as it existed
52 prior to August 28, 2013; sodomy as it existed prior to January 1, 1995; statutory sodomy in
53 the first degree under section 566.062; statutory sodomy in the second degree under section
54 566.064; child molestation in the first degree; child molestation in the second degree; child
55 molestation in the third degree under section 566.069; child molestation in the fourth degree
56 under section 566.071; sodomy in the second degree under section 566.061; deviate sexual
57 assault under section 566.070 as it existed prior to August 28, 2013; sexual misconduct
58 involving a child under section 566.083; sexual contact with a student under section 566.086;
59 sexual misconduct in the first degree under section 566.093; sexual misconduct in the first
60 degree under section 566.090 as it existed prior to August 28, 2013; sexual misconduct in the
61 second degree under section 566.095; sexual misconduct in the second degree under section
62 566.093 as it existed prior to August 28, 2013; sexual misconduct in the third degree under
63 section 566.095 as it existed prior to August 28, 2013; sexual abuse in the first degree under
64 section 566.100; sexual abuse under section 566.100 as it existed prior to August 28, 2013;
65 sexual abuse in the second degree under section 566.101; enticement of a child under section
66 566.151; or attempting to entice a child;

67 (3) Any of the following offenses against the family and related offenses: incest
68 under section 568.020; abandonment of child in the first degree under section 568.030;
69 abandonment of child in the second degree under section 568.032; endangering the welfare of
70 a child in the first degree under section 568.045; abuse of a child under section 568.060; child

71 used in a sexual performance; promoting sexual performance by a child; or trafficking in
72 children under section 568.175; and

73 (4) Any of the following offenses involving child pornography **as it existed prior to**
74 **August 28, 2024, or child sexual abuse material** and related offenses: promoting obscenity
75 in the first degree under section 573.020; promoting pornography for minors or obscenity in
76 the second degree when the penalty is enhanced to a class E felony under section 573.030;
77 promoting child pornography in the first degree under section 573.025 **as it existed prior to**
78 **August 28, 2024; promoting child sexual abuse material in the first degree under section**
79 **573.025;** promoting child pornography in the second degree under section 573.035 **as it**
80 **existed prior to August 28, 2024; promoting child sexual abuse material in the second**
81 **degree under section 573.035;** possession of child pornography under section 573.037 **as it**
82 **existed prior to August 28, 2024; possession of child sexual abuse material under section**
83 **573.037;** furnishing pornographic materials to minors under section 573.040; or coercing
84 acceptance of obscene material under section 573.065.

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

90 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of
91 this section may appeal such revocation to the state board of education. Notice of this appeal
92 must be received by the commissioner of education within ninety days of notice of revocation
93 pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the
94 intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate
95 holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the
96 commissioner of education, with the final decision made by the state board of education,
97 based upon the record of that hearing. The certificate holder shall be given not less than thirty
98 days' notice of the hearing, and an opportunity to be heard by the hearing officer, together
99 with witnesses.

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

103 10. In those cases where the charges filed pursuant to this section are based upon an
104 allegation of misconduct involving a minor child, the hearing officer may accept into the
105 record the sworn testimony of the minor child relating to the misconduct received in any court
106 or administrative hearing.

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

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

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

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

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

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

14 (3) "Criminal background check":

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

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

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

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

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

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

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

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

29 2. (1) Prior to the employment or presence of a child care staff member in a licensed,
30 license-exempt, or unlicensed registered child care facility, the child care provider shall
31 request the results of a criminal background check for such child care staff member from the
32 department.

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

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

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

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

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

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

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

60 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
61 210.183 or any other finding of child abuse or neglect based on any other state's registry or
62 database; or

- 63 (5) Has pled guilty or nolo contendere to or been found guilty of:
- 64 (a) Any felony for an offense against the person as defined in chapter 565;
- 65 (b) Any other offense against the person involving the endangerment of a child as
- 66 prescribed by law;
- 67 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;
- 68 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
- 69 568;
- 70 (e) Burglary in the first degree as defined in 569.160;
- 71 (f) Any misdemeanor or felony for robbery as defined in chapter 570;
- 72 (g) Any misdemeanor or felony for pornography or related offense as defined in
- 73 chapter 573;
- 74 (h) Any felony for arson as defined in chapter 569;
- 75 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
- 76 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
- 77 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;
- 78 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
- 79 574.125;
- 80 (k) A felony drug-related offense committed during the preceding five years; or
- 81 (l) Any similar offense in any federal, state, municipal, or other court of similar
- 82 jurisdiction of which the department has knowledge.
- 83 5. Household members eighteen years of age or older, or household members under
- 84 eighteen years of age who have been certified as an adult for the commission of an offense,
- 85 shall be ineligible to maintain a presence at a home where child care is provided during child
- 86 care hours if any one or more of the provisions of subsection 4 of this section apply to such
- 87 members.
- 88 6. A child care provider may also be disqualified from receipt of state or federal funds
- 89 for providing child care services either by direct payment or through reimbursement to an
- 90 individual who receives child care benefits if such person, or any person eighteen years of age
- 91 or older residing in the household in which child care is being provided, excluding child care
- 92 provided in the child's home, has been refused licensure or has experienced licensure
- 93 suspension or revocation under section 210.221 or 210.496.
- 94 7. A child care provider shall not be required to submit a request for a criminal
- 95 background check under this section for a child care staff member if:
- 96 (1) The staff member received a qualifying criminal background check within five
- 97 years before the latest date on which such a submission may be made and while employed by
- 98 or seeking employment by another child care provider within Missouri;

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

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

105 8. (1) The department shall process the request for a criminal background check for
106 any prospective child care staff member or child care staff member as expeditiously as
107 possible, but not to exceed forty-five days after the date on which the provider submitted the
108 request.

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

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

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

126 9. (1) The prospective child care staff member or child care staff member may appeal
127 a finding of ineligibility for employment or presence at a child care facility in writing to the
128 department to challenge the accuracy or completeness of the information contained in his or
129 her criminal background check if his or her finding of ineligibility is based on one or more of
130 the following offenses:

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

132 (b) Felony child abuse or neglect;

133 (c) A felony crime against children, including child pornography **as it existed prior**
134 **to August 28, 2024, or child sexual abuse material;**

135 (d) Felony spousal abuse;

- 136 (e) A felony crime involving rape or sexual assault;
- 137 (f) Felony kidnapping;
- 138 (g) Felony arson;
- 139 (h) Felony physical assault or battery;
- 140 (i) A violent misdemeanor offense committed as an adult against a child, including
- 141 the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense
- 142 involving child pornography **as it existed prior to August 28, 2024, or child sexual abuse**
- 143 **material;** or
- 144 (j) Any similar offense in any federal, state, municipal, or other court.
- 145 (2) If a finding of ineligibility is based on an offense not provided for in subdivision
- 146 (1) of this subsection, the prospective child care staff member or child care staff member may
- 147 appeal to challenge the accuracy or completeness of the information contained in his or her
- 148 criminal background check or to offer information mitigating the results and explaining why
- 149 an eligibility exception should be granted.
- 150 (3) The written appeal shall be filed with the department within ten days from the
- 151 mailing of the notice of ineligibility. The department shall attempt to verify the accuracy of
- 152 the information challenged by the individual, including making an effort to locate any missing
- 153 disposition information related to the disqualifying offense. After the department verifies the
- 154 accuracy of the information challenged by the individual, the department shall make a final
- 155 decision on the written appeal, and such decision shall be made in a timely manner. Such
- 156 decision shall be considered a noncontested final agency decision by the department,
- 157 appealable under section 536.150. Such decision shall be appealed within thirty days of the
- 158 mailing of the decision.
- 159 10. Nothing in this section shall prohibit the department from requiring more frequent
- 160 checks of the family care safety registry established under section 210.903 or the central
- 161 registry for child abuse established under section 210.109 in order to determine eligibility for
- 162 employment or presence at the child care facility or receipt of state or federal funds for
- 163 providing child care services either by direct payment or through reimbursement to an
- 164 individual who receives child care benefits.
- 165 11. The department may adopt emergency rules to implement the requirements of this
- 166 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
- 167 created under the authority delegated in this section shall become effective only if it complies
- 168 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
- 169 This section and chapter 536 are nonseverable and if any of the powers vested with the
- 170 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
- 171 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

172 rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid
173 and void.

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

210.1505. 1. There is hereby created the "Statewide Council ~~[on Sex]~~ **Against Adult**
2 **Trafficking and the Commercial Sexual Exploitation of Children**" ~~[to]~~ **within the office of**
3 **the attorney general to coordinate a statewide effort against the trafficking of adults and**
4 **children within the state of Missouri. The council shall** consist of the following members:

5 ~~(1) [The following four members of the general assembly:~~

6 ~~(a) Two members of the senate, with one member to be appointed by the president pro~~
7 ~~tempore of the senate and one member to be appointed by the minority floor leader of the~~
8 ~~senate; and~~

9 ~~(b) Two members of the house of representatives, with one member to be appointed~~
10 ~~by the speaker of the house of representatives and one member to be appointed by the~~
11 ~~minority floor leader of the house of representatives]~~ **The attorney general or his or her**
12 **designee, who shall serve as the chair of the council;**

13 (2) The director of the children's division or his or her designee;

14 (3) The director of the department of public safety or his or her designee;

15 (4) The director of the department of mental health or his or her designee;

16 (5) The director of the office of prosecution services or his or her designee;

17 (6) The superintendent of the Missouri state highway patrol or his or her designee;

18 (7) The executive director of the statewide network of child advocacy organizations
19 ~~[specializing in the prevention of child abuse or neglect]~~ or his or her designee;

20 (8) The executive director of the statewide coalition against domestic and sexual
21 violence or his or her designee;

22 (9) The executive director of the Missouri Juvenile Justice Association or his or her
23 designee;

24 (10) The director of the attorney general's human trafficking task force or his or her
25 designee;

26 (11) Two representatives from agencies providing services to victims of child sex
27 trafficking and sexual exploitation ~~[who reflect the geographic diversity of the state and who~~
28 ~~shall be appointed by the director of the department of social services]; [and]~~

29 (12) **Two members of the senate to be appointed by the president pro tempore of**
30 **the senate;**

31 (13) **Two members of the house of representatives to be appointed by the speaker**
32 **of the house of representatives;**

33 (14) A member of the judiciary, who shall be appointed by the **Missouri** supreme
34 court;

35 (15) **The commissioner of the department of elementary and secondary**
36 **education or his or her designee;**

37 (16) **A designee from the governor's office;**

38 (17) **Two human trafficking survivors identified by a children's advocacy center**
39 **who are willing to serve on the council; and**

40 (18) **Any other nongovernment organization deemed necessary by the attorney**
41 **general.**

42 2. A majority of the members of the council shall constitute a quorum. The council
43 shall **be created within thirty days of August 28, 2024, and shall** hold its first meeting
44 within thirty days after the council's creation [~~and organize by selecting a chair and a vice~~
45 ~~chair~~]. The council shall meet at [~~the call of the chair~~] **least quarterly. The council may**
46 **create a subgroup to address specific issues deemed necessary.**

47 3. [~~The council shall:~~

48 (~~1) Collect and analyze data relating to sex trafficking and sexual exploitation of~~
49 ~~children, including the number of reports made to the children's division under section~~
50 ~~210.115, any information obtained from phone calls to the national sex trafficking hotline, the~~
51 ~~number of reports made to law enforcement, arrests, prosecution rates, and any other data~~
52 ~~important for any recommendations of the council. State departments and council members~~
53 ~~shall provide relevant data as requested by the council to fulfill the council's duties; and~~

54 (~~2) Collect feedback from stakeholders, practitioners, and leadership throughout the~~
55 ~~state in order to develop best practices and procedures regarding the response to sex~~
56 ~~trafficking and sexual exploitation of children, including identification and assessment of~~
57 ~~victims; response and treatment coordination and collaboration across systems; trauma-~~
58 ~~informed, culturally competent victim-centered services; training for professionals in all~~
59 ~~systems; and investigating and prosecuting perpetrators.~~

60 4.] The [~~department of social services~~] **attorney general** shall provide administrative
61 support to the council.

62 [~~5.] 4. [On or before December 31, 2023, the council shall submit a report of the~~
63 ~~council's activities to the governor and general assembly and the joint committee on child~~
64 ~~abuse and neglect under section 21.771. The report shall include recommendations for~~

65 ~~priority needs and actions, including statutory or regulatory changes relating to the response~~
66 ~~to sex trafficking and sexual exploitation of children and services for child victims.~~

67 ~~6. The council shall expire on December 31, 2023]~~ (1) **There is hereby created in**
68 **the state treasury the "Anti-Trafficking Fund", which shall consist of moneys**
69 **appropriated to it by the general assembly and any grants, gifts, donations, and**
70 **bequests. The state treasurer shall be custodian of the fund. In accordance with**
71 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund**
72 **shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used**
73 **solely to pay for the position of the executive director of the statewide council against**
74 **adult trafficking and the commercial exploitation of children, education and awareness**
75 **regarding human trafficking, and antitrafficking efforts throughout the state of**
76 **Missouri.**

77 (2) **Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
78 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
79 **general revenue fund.**

80 (3) **The state treasurer shall invest moneys in the fund in the same manner as**
81 **other funds are invested. Any interest and moneys earned on such investments shall be**
82 **credited to the fund.**

324.012. 1. This section shall be known and may be cited as the "Fresh Start Act of
2 2020".

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

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

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

8 (3) "Licensing authority", an agency, examining board, credentialing board, or other
9 office of the state with the authority to impose occupational fees or licensing requirements on
10 any profession. For purposes of the provisions of this section other than subsection 7 of this
11 section, the term "licensing authority" shall not include the state board of education's
12 licensure of teachers pursuant to chapter 168, the Missouri state board of accountant's
13 licensure of accountants pursuant to chapter 326, the board of podiatric medicine's licensure
14 of podiatrists pursuant to chapter 330, the Missouri dental board's licensure of dentists
15 pursuant to chapter 332, the state board of registration for the healing art's licensure of
16 physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing's
17 licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of pharmacists
18 pursuant to chapter 338, the Missouri real estate commission's licensure of real estate brokers,
19 real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to

20 339.205, the Missouri veterinary medical board's licensure of veterinarian's pursuant to
21 chapter 340, the Missouri director of finance appointed pursuant to chapter 361, or the peace
22 officer standards and training commission's licensure of peace officers or other law
23 enforcement personnel pursuant to chapter 590;

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

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

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

37 (1) Any murder in the first degree, or dangerous felony as defined under section
38 556.061 excluding an intoxication-related traffic offense or intoxication-related boating
39 offense if the person is found to be a habitual offender or habitual boating offender as such
40 terms are defined in section 577.001;

41 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
42 statutory rape in the first degree, statutory rape in the second degree, rape in the second
43 degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the
44 first degree, statutory sodomy in the second degree, child molestation in the first degree, child
45 molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual
46 misconduct involving a child, sexual misconduct in the first degree under section 566.090 as
47 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to
48 August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or
49 attempting to entice a child;

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

54 (4) Any of the following offenses involving child pornography **as it existed prior to**
55 **August 28, 2024, or child sexual abuse material** and related offenses: promoting obscenity
56 in the first degree, promoting obscenity in the second degree when the penalty is enhanced to

57 a class E felony, promoting child pornography in the first degree **as it existed prior to**
58 **August 28, 2024, promoting child sexual abuse material in the first degree**, promoting
59 child pornography in the second degree **as it existed prior to August 28, 2024, promoting**
60 **child sexual abuse material in the second degree**, possession of child pornography in the
61 first degree **as it existed prior to August 28, 2024, possession of child sexual abuse**
62 **material in the first degree**, possession of child pornography in the second degree **as it**
63 **existed prior to August 28, 2024, possession of child sexual abuse material in the second**
64 **degree**, furnishing child pornography to a minor **as it existed prior to August 28, 2024,**
65 **furnishing child sexual abuse material to a minor**, furnishing pornographic materials to
66 minors, or coercing acceptance of obscene material;

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

71 (6) Any offense an essential element of which is fraud may be a disqualifying
72 criminal offense for the following occupations: private investigators, licensed pursuant to
73 sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects,
74 licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections
75 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371;
76 landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed
77 pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333;
78 real estate appraisers and appraisal management companies, licensed pursuant to sections
79 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

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

86 6. (1) The licensing authority shall determine whether an applicant with a criminal
87 conviction will be denied a license based on the following factors:

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

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

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

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

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

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

110 8. (1) If a licensing authority denies an individual a license solely or in part because
111 of the individual's prior conviction of a crime, the licensing authority shall notify the
112 individual in writing of the following:

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

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

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

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

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

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

127 9. The provisions of this section shall apply to any profession for which an
128 occupational license is issued in this state, including any new occupational license created by
129 a state licensing authority after August 28, 2020. Notwithstanding any other provision of law,

130 political subdivisions shall be prohibited from creating any new occupational licenses after
131 August 28, 2020. The provisions of this section shall not apply to business licenses, where
132 the terms "occupational licenses" and "business licenses" are used interchangeably in a city or
133 county charter definition.

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

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

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

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

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

30 2. A person may apply to take the examination required by subsection 1 of this
31 section if the person is a graduate of a school of cosmetology or apprentice program in
32 another state or territory of the United States which has substantially the same requirements
33 as an educational establishment licensed pursuant to this chapter. A person may apply to take

34 the examination required by subsection 1 of this section if the person is a graduate of an
35 educational establishment in a foreign country that provides training for a classified
36 occupation of cosmetology, as defined by section 329.010, and has educational requirements
37 that are substantially the same requirements as an educational establishment licensed under
38 this chapter. The board has sole discretion to determine the substantial equivalency of such
39 educational requirements. The board may require that transcripts from foreign schools be
40 submitted for its review, and the board may require that the applicant provide an approved
41 English translation of such transcripts.

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

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

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

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

56 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
57 statutory rape in the first degree, statutory rape in the second degree, rape in the second
58 degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the
59 first degree, statutory sodomy in the second degree, child molestation in the first degree, child
60 molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual
61 misconduct involving a child, sexual misconduct in the first degree under section 566.090 as
62 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to
63 August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or
64 attempting to entice a child;

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

69 (4) Any of the following offenses involving child pornography **as it existed prior to**
70 **August 28, 2024, or child sexual abuse material** and related offenses: promoting obscenity

71 in the first degree, promoting obscenity in the second degree when the penalty is enhanced to
72 a class E felony, promoting child pornography in the first degree **as it existed prior to**
73 **August 28, 2024, promoting child sexual abuse material in the first degree**, promoting
74 child pornography in the second degree **as it existed prior to August 28, 2024, promoting**
75 **child sexual abuse material in the second degree**, possession of child pornography in the
76 first degree **as it existed prior to August 28, 2024, possession of child sexual abuse**
77 **material in the first degree**, possession of child pornography in the second degree **as it**
78 **existed prior to August 28, 2024, possession of child sexual abuse material in the second**
79 **degree**, furnishing child pornography to a minor **as it existed prior to August 28, 2024,**
80 **furnishing child sexual abuse material to a minor**, furnishing pornographic materials to
81 minors, or coercing acceptance of obscene material.

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

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

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

25 (2) Making substantial misrepresentations or false promises or suppression,
26 concealment or omission of material facts in the conduct of his or her business or pursuing

27 a flagrant and continued course of misrepresentation through agents, salespersons, advertising
28 or otherwise in any transaction;

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

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

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any
35 party or parties executing the same where the instruments have been prepared by the licensee
36 or under his or her supervision or are within his or her control, including, but not limited to,
37 the instruments relating to the employment of the licensee or to any matter pertaining to the
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of
39 property, or any type of real estate transaction in which he or she may participate as a
40 licensee;

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

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

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

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

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

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

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

59 (13) Using prizes, money, gifts or other valuable consideration as inducement to
60 secure customers or clients to purchase, lease, sell or list property when the awarding of such
61 prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease,
62 sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or

63 conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser
64 or prospective purchaser of real property;

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

67 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or
68 enabling any person to violate, any provision of sections 339.010 to 339.180 and sections
69 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180
70 and sections 339.710 to 339.860;

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

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

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

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

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

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

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

93 (23) Assisting or enabling any person to practice or offer to practice any profession
94 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
95 is not registered and currently eligible to practice under sections 339.010 to 339.180 and
96 sections 339.710 to 339.860;

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

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

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

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

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

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

120 4. The commission may prepare a digest of the decisions of the administrative
121 hearing commission which concern complaints against licensed brokers or salespersons and
122 cause such digests to be mailed to all licensees periodically. Such digests may also contain
123 reports as to new or changed rules adopted by the commission and other information of
124 significance to licensees.

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

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

132 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
133 statutory rape in the first degree, statutory rape in the second degree, rape in the second
134 degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the
135 first degree, statutory sodomy in the second degree, child molestation in the first degree, child
136 molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual

137 misconduct involving a child, sexual misconduct in the first degree under section 566.090 as
138 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to
139 August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or
140 attempting to entice a child;

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

145 (4) Any of the following offenses involving child pornography **as it existed prior to**
146 **August 28, 2024, or child sexual abuse material** and related offenses: promoting obscenity
147 in the first degree, promoting obscenity in the second degree when the penalty is enhanced to
148 a class E felony, promoting child pornography in the first degree **as it existed prior to**
149 **August 28, 2024, promoting child sexual abuse material in the first degree**, promoting
150 child pornography in the second degree **as it existed prior to August 28, 2024, promoting**
151 **child sexual abuse material in the second degree**, possession of child pornography in the
152 first degree **as it existed prior to August 28, 2024, possession of child sexual abuse**
153 **material in the first degree**, possession of child pornography in the second degree **as it**
154 **existed prior to August 28, 2024, possession of child sexual abuse material in the second**
155 **degree**, furnishing child pornography to a minor **as it existed prior to August 28, 2024,**
156 **furnishing child sexual abuse material to minors**, furnishing pornographic materials to
157 minors, or coercing acceptance of obscene material; and

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

159 6. A person whose license was revoked under subsection 5 of this section may appeal
160 such revocation to the administrative hearing commission. Notice of such appeal must be
161 received by the administrative hearing commission within ninety days of mailing, by certified
162 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
163 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
164 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
165 administrative hearing commission.

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; or

9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of ~~fourteen~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,
19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of ~~fourteen~~ **seventeen** years
32 of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of ~~fourteen who is alleged to be a victim of~~ **eighteen or a vulnerable**
4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~or~~, 568, **or 573, if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 **5. For the purposes of this section, "vulnerable person" shall mean a person**
39 **who, as a result of an inadequately developed or impaired intelligence or a psychiatric**
40 **disorder that materially affects the ability to function, lacks the mental capacity to**
41 **consent, or whose developmental level does not exceed that of an ordinary child of**
42 **seventeen years of age.**

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

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

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

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

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

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

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

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

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

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

22 (d) A law enforcement officer having custody of seized property may, at any time that
23 seized property has ceased to be useful as evidence, request that the prosecuting attorney of
24 the county in which property was seized file a motion with the court of such county for the

25 disposition of the seized property. If the prosecuting attorney does not file such motion
26 within sixty days of the request by the law enforcement officer having custody of the seized
27 property, then such officer may request that the attorney general file a written motion with the
28 circuit court of the county or judicial district in which the seizure occurred. Upon filing of the
29 motion, the court shall issue an order directing the disposition of the property. Such
30 disposition may, if the property is not claimed within one year from the date of the seizure or
31 if no one establishes a right to it, and the seized property has ceased to be useful as evidence,
32 include a public sale of the property. Pursuant to a motion properly filed and granted under
33 this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall
34 be paid into the county treasury for the use of the county. If the property is not salable, the
35 judge may order its destruction. Notwithstanding any other provision of law, if no claim is
36 filed within one year of the seizure and no motion pursuant to this section is filed within six
37 months thereafter, and the seized property has ceased to be useful as evidence, the property
38 shall be deemed abandoned, converted to cash and shall be turned over immediately to the
39 treasurer pursuant to section 447.543;

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

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

57 2. The officer who has custody of the property shall inform the prosecuting attorney
58 of the fact of seizure and of the nature of the property. The prosecuting attorney shall
59 thereupon file a written motion with the court with which the motion to suppress has been, or
60 may be, filed praying for an order directing the forfeiture of the property. If the prosecuting
61 attorney of a county in which property is seized fails to file a motion with the court for the

62 disposition of the seized property within sixty days of the request by a law enforcement
63 officer, the officer having custody of the seized property may request the attorney general to
64 file a written motion with the circuit court of the county or judicial district in which the
65 seizure occurred. Upon filing of the motion, the court shall issue an order directing the
66 disposition of the property. The signed motion shall be returned to the requesting agency. A
67 motion may also be filed by any person claiming the right to possession of the property
68 praying that the court declare the property not subject to forfeiture and order it delivered to
69 the moving party.

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

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

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

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

100 7. When a warrant has been issued to search for and seize allegedly obscene matter
101 for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant
102 with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in
103 which the matter was seized and the dealer, exhibitor or displayer and shall conduct further
104 adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence
105 is clear and convincing that the matter is obscene as defined by law and it was being held or
106 displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare
107 it to be obscene and forfeited to the state and order its destruction or other disposition; except
108 that, no forfeiture shall be declared without the dealer, distributor or displayer being given a
109 reasonable opportunity to appear in opposition and without the judge having thoroughly
110 examined each item. If the material to be seized is the same as or another copy of matter that
111 has already been determined to be obscene in a criminal proceeding against the dealer,
112 exhibitor, displayer or such person's agent, the determination of obscenity in the criminal
113 proceeding shall constitute clear and convincing evidence that the matter to be forfeited
114 pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer
115 consents to a longer period, or by such person's actions or pleadings willfully prevents the
116 prompt resolution of the hearing, judgment shall be rendered within ten days of the return of
117 the warrant. If the matter is not found to be obscene or is not found to have been held or
118 displayed for sale, exhibition or distribution to the public, or a judgment is not entered within
119 the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or
120 displayer.

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

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

130 10. When allegedly obscene matter or pornographic material for minors has been
131 seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the
132 matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of
133 the county in which the matter was seized may file a written motion with the circuit court of

134 the county or judicial district in which the seizure occurred praying for an order directing the
135 forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing.
136 Written notice of date, time, place and nature of the hearing shall be personally served upon
137 the owner, dealer, exhibitor, displayer or such person's agent. Such notice shall be served no
138 less than five days before the hearing.

139 11. If the evidence is clear and convincing that the matter is obscene as defined by
140 law, and that the obscene material was being held or displayed for sale, exhibition,
141 distribution or circulation to the public or that the matter is pornographic for minors and that
142 the pornographic material was being held or displayed for sale, exhibition, distribution or
143 circulation to minors, the judge shall declare it to be obscene or pornographic for minors and
144 forfeited to the state and order its destruction or other disposition. A determination that the
145 matter is obscene in a criminal proceeding as well as a determination that such obscene
146 material was held or displayed for sale, exhibition, distribution or circulation to the public or a
147 determination that the matter is pornographic for minors in a criminal proceeding as well as a
148 determination that such pornographic material was held or displayed for sale, exhibition,
149 distribution or circulation to minors shall be clear and convincing evidence that such material
150 should be forfeited to the state; except that, no forfeiture shall be declared without the dealer,
151 distributor or displayer being given a reasonable opportunity to appear in opposition and
152 without a judge having thoroughly examined each item. A dealer, distributor or displayer
153 shall have had reasonable opportunity to appear in opposition if the matter the prosecutor
154 seeks to destroy is the same matter that formed the basis of a criminal proceeding against the
155 dealer, distributor or displayer where the dealer, distributor or displayer has been charged and
156 found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene
157 material to the public or pornographic material for minors to minors. If the matter is not
158 found to be obscene, or if obscene material is not found to have been held or displayed for
159 sale, exhibition, distribution or circulation to the public, or if the matter is not found to be
160 pornographic for minors or if pornographic material is not found to have been held or
161 displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored
162 forthwith to the dealer, exhibitor or displayer.

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

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

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

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

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

- 2 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:
3 (a) Inflicts serious physical injury on the victim;
4 (b) Displays a deadly weapon or dangerous instrument in a threatening manner;
5 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more
6 than one person;
7 (d) Had previously been found guilty of an offense under this chapter or under section
8 573.200, child used in sexual performance; section 573.205, promoting sexual performance
9 by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
10 pornography in the first degree **as it existed prior to August 28, 2024, or promoting child**
11 **sexual abuse material in the first degree**; section 573.035, promoting child pornography in
12 the second degree **as it existed prior to August 28, 2024, or promoting child sexual abuse**
13 **material in the second degree**; section 573.037, possession of child pornography **as it**
14 **existed prior to August 28, 2024, or possession of child sexual abuse material**; or section
15 573.040, furnishing pornographic materials to minors; or has previously been found guilty of
16 an offense in another jurisdiction which would constitute an offense under this chapter or said
17 sections;
18 (e) Commits the offense as part of an act or series of acts performed by two or more
19 persons as part of an established or prescribed pattern of activity; or
20 (f) Engages in the act that constitutes the offense with a person the actor knows to be,
21 without regard to legitimacy, the actor's:
22 a. Ancestor or descendant by blood or adoption;
23 b. Stepchild while the marriage creating that relationship exists;
24 c. Brother or sister of the whole or half blood; or
25 d. Uncle, aunt, nephew, or niece of the whole blood;
26 (2) "Commercial sex act", any sex act on account of which anything of value is given
27 to or received by any person;
28 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the
29 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
30 however slight, of the penis, female genitalia, or the anus by a finger, instrument or object

31 done for the purpose of arousing or gratifying the sexual desire of any person or for the
32 purpose of terrorizing the victim;

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

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

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

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

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

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

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

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

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

17

18 shall not reside within one thousand feet of any public school as defined in section 160.011,
19 any private school giving instruction in a grade or grades not higher than the twelfth grade, or
20 any child care facility that is licensed under chapter 210, or any child care facility as defined
21 in section 210.201 that is exempt from state licensure but subject to state regulation under
22 section 210.252 and holds itself out to be a child care facility, where the school or facility is in

23 existence at the time the individual begins to reside at the location. Such person shall also not
24 reside within one thousand feet of the property line of the residence of a former victim of such
25 person.

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

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

41 4. For the purposes of ~~[the]~~ **this** section, one thousand feet shall be measured from the
42 edge of the offender's property nearest the public school, private school, child care facility, or
43 former victim to the nearest edge of the public school, private school, child care facility, or
44 former victim's property.

45 5. Violation of the provisions of subsection 1 of this section is a class E felony except
46 that the second or any subsequent violation is a class B felony. Violation of the provisions of
47 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
48 violation is a class E felony.

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

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

12 **possession of child sexual abuse material;** or section 573.040, furnishing pornographic
13 material to minors; or

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

16

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

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

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

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

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

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

13

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

20 2. No parent, legal guardian, or custodian who has been found guilty of violating any
21 of the offenses listed in subsection 1 of this section shall be present in any school building, on

22 real property comprising any school, or in any conveyance owned, leased, or contracted by a
23 school to transport students to or from school or a school-related activity when persons under
24 the age of eighteen are present in the building, on the grounds or in the conveyance unless the
25 parent, legal guardian, or custodian has permission to be present from the superintendent or
26 school board or in the case of a private school from the principal. In the case of a public
27 school, if permission is granted, the superintendent or school board president must inform the
28 principal of the school where the sex offender will be present. Permission may be granted by
29 the superintendent, school board, or in the case of a private school from the principal for more
30 than one event at a time, such as a series of events, however, the parent, legal guardian, or
31 custodian must obtain permission for any other event he or she wishes to attend for which he
32 or she has not yet had permission granted.

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

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

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

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

12

13 shall not knowingly be present in or loiter within five hundred feet of any real property
14 comprising any public park with playground equipment, a public swimming pool, athletic
15 complex or athletic fields if such facilities exist for the primary use of recreation for children,
16 any museum if such museum holds itself out to the public as and exists with the primary
17 purpose of entertaining or educating children under eighteen years of age, or Missouri
18 department of conservation nature or education center properties.

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

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

21 4. Any person who has been found guilty of an offense under subdivision (1) or (2) of
22 subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the
23 age of eighteen attending a program on the property of a nature or education center of the

24 Missouri department of conservation may receive permission from the nature or education
25 center manager to be present on the property with the child during the program.

566.151. 1. A person twenty-one years of age or older commits the offense of
2 enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the internet or any electronic communication,
4 any person who is less than ~~fifteen~~ **seventeen** years of age for the purpose of engaging in
5 sexual conduct.

6 2. It is not a defense to a prosecution for a violation of this section that the other
7 person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

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

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

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

12

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

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

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

566.201. A prosecuting or circuit attorney may request assistance from the
2 **attorney general, or one of his or her assistants, to assist in the prosecution of child sex**
3 **trafficking cases. The prosecuting or circuit attorney may utilize any resource or**
4 **capability of the attorney general when prosecuting such cases.**

566.211. 1. A person commits the offense of sexual trafficking of a child in the
2 second degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including
4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail,
5 or causing or threatening to cause financial harm, a person under the age of eighteen to
6 participate in a commercial sex act, a sexual performance, or the production of explicit sexual
7 material as defined in section 573.010, or benefits, financially or by receiving anything of
8 value, from participation in such activities;

9 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a
10 sexual performance, or the production of explicit sexual material as defined in section
11 573.010; or

12 (3) Advertises the availability of a person under the age of eighteen to participate in a
13 commercial sex act, a sexual performance, or the production of explicit sexual material as
14 defined in section 573.010.

15 2. It shall not be a defense that the defendant believed that the person was eighteen
16 years of age or older.

17 3. **(1)** The offense sexual trafficking of a child in the second degree is a felony
18 punishable by imprisonment for a term of years not less than ten years or life and a fine not to
19 exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a
20 violation of this section was effected by force, abduction, or coercion, the crime of sexual
21 trafficking of a child shall be a felony for which the authorized term of imprisonment is life
22 imprisonment without eligibility for probation or parole until the defendant has served not
23 less than twenty-five years of such sentence.

24 **(2) The offense of sexual trafficking of a child in the second degree by a parent,**
25 **legal guardian, or other person having custody or control of a child is a felony for which**
26 **the authorized term of imprisonment is life imprisonment. As used in this subdivision,**
27 **"life imprisonment" shall mean imprisonment for the duration of a person's natural**
28 **life.**

566.218. 1. Notwithstanding sections 557.011, 558.019, and 559.021, a person found
2 guilty of violating any provisions of section 566.203, 566.206, 566.209, 566.210, 566.211,
3 566.212, 566.213, or 566.215 shall be ordered by the sentencing court to pay restitution to the
4 victim of the offense regardless of whether the defendant is sentenced to a term of
5 imprisonment or probation. The minimum restitution ordered by the court shall be in the
6 amount determined by the court necessary to compensate the victim for the value of the
7 victim's labor and/or for the mental and physical rehabilitation of the victim and any child of
8 the victim.

9 **2. Any real or personal property that was used, attempted to be used, or**
10 **intended to be used in violating a section listed under subsection 1 of this section may be**
11 **seized. If such property is seized, the property shall be forfeited as provided under**

12 **section 513.607. After satisfying any liens on the property, the remaining proceeds from**
 13 **the sale of any property seized under this subsection that was owned by a defendant**
 14 **convicted of violating a section listed under subsection 1 of this section shall first be**
 15 **allocated to pay any order of restitution to a victim of human trafficking in the criminal**
 16 **case for which the defendant was convicted. If there are multiple victims of human**
 17 **trafficking in the criminal case, the remaining proceeds shall be allocated equally among**
 18 **the victims to pay restitution. If the proceeds are sufficient to pay any such order of**
 19 **restitution, any remaining proceeds shall be deposited into the crime victims'**
 20 **compensation fund under section 595.045.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

- 2 (1) Pursuant to a prior understanding, gives something of value to another person as
 3 compensation for having engaged in sexual conduct with any person; or
- 4 (2) Gives or agrees to give something of value to another person with the
 5 understanding that such person or another person will engage in sexual conduct with any
 6 person; or
- 7 (3) Solicits or requests another person to engage in sexual conduct with any person in
 8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
 10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
 12 individual who the person patronizes is less than eighteen years of age but older than
 13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
 15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
 16 shall preclude the prosecution of an individual for the offenses of:

- 17 (1) Statutory rape in the first degree pursuant to section 566.032;
- 18 (2) Statutory rape in the second degree pursuant to section 566.034;
- 19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or
- 20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

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

- 2 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other
 3 commercial establishment, regardless of whether alcoholic beverages are served, which
 4 regularly features persons who appear semi-nude;
- 5 (2) "Characterized by", describing the essential character or dominant theme of an
 6 item;
- 7 (3) "Child", any person under the age of fourteen;
- 8 (4) "Child ~~pornography~~ **sexual abuse material**":

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

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

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

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

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

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

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

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

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

45 (8) "Material", anything printed or written, or any picture, drawing, photograph,
46 motion picture film, videotape or videotape production, or pictorial representation, or any
47 recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored
48 computer data, or anything which is or may be used as a means of communication. Material
49 includes undeveloped photographs, molds, printing plates, stored computer data and other
50 latent representational objects;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102 (b) Bestiality;

103 (c) Masturbation;

104 (d) Sadistic or masochistic abuse; or

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

106 (22) "Sexually oriented business" includes:

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

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

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

- 118 c. Has a substantial portion of the retail value of its displayed merchandise which
119 consists of such items; or
- 120 d. Derives a substantial portion of its revenues from the sale or rental, for any form of
121 consideration, of such items; or
- 122 e. Maintains a substantial section of its interior business space for the sale or rental of
123 such items; or
- 124 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is
125 permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or
126 mechanically controlled still or motion picture machines, projectors, or other image-
127 producing devices are regularly maintained to show images to five or fewer persons per
128 machine at any one time, and where the images so displayed are characterized by their
129 emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;
- 130 (b) An adult cabaret;
- 131 (c) An adult motion picture theater. "Adult motion picture theater" means a
132 commercial establishment where films, motion pictures, video cassettes, slides, or similar
133 photographic reproductions, which are characterized by their emphasis upon the display of
134 specified sexual activities or specified anatomical areas are regularly shown to more than five
135 persons for any form of consideration;
- 136 (d) A semi-nude model studio. "Semi-nude model studio" means a place where
137 persons regularly appear in a state of semi-nudity for money or any form of consideration in
138 order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly
139 depicted by other persons. Such definition shall not apply to any place where persons
140 appearing in a state of semi-nudity do so in a modeling class operated:
- 141 a. By a college, junior college, or university supported entirely or partly by taxation;
- 142 b. By a private college or university which maintains and operates educational
143 programs in which credits are transferable to a college, junior college, or university supported
144 entirely or partly by taxation; or
- 145 c. In a structure:
- 146 (i) Which has no sign visible from the exterior of the structure and no other
147 advertising that indicates a semi-nude person is available for viewing; and
- 148 (ii) Where, in order to participate in a class, a student must enroll at least three days in
149 advance of the class;
- 150 (e) A sexual encounter center. "Sexual encounter center" means a business or
151 commercial enterprise that, as one of its principal purposes, purports to offer for any form of
152 consideration physical contact in the form of wrestling or tumbling between two or more
153 persons when one or more of the persons is semi-nude;

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

156 (24) "Specified anatomical areas" include:

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

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

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

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

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

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

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

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

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

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

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

11 3. Nothing in this section shall be construed to require a provider of electronic
12 communication services or remote computing services to monitor any user, subscriber or
13 customer of the provider, or the content of any communication of any user, subscriber or
14 customer of the provider.

573.035. 1. A person commits the offense of promoting child [~~pornography~~] **sexual**
2 **abuse material** in the second degree if, knowing of its content and character, such person
3 possesses with the intent to promote or promotes child [~~pornography~~] **sexual abuse material**

4 of a minor under the age of eighteen or obscene material portraying what appears to be a
5 minor under the age of eighteen.

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

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

5 2. The offense of possession of child ~~[pornography]~~ **sexual abuse material** is a class
6 D felony if the person possesses one still image of child ~~[pornography]~~ **sexual abuse**
7 **material** or one obscene still image. The offense of possession of child ~~[pornography]~~ **sexual**
8 **abuse material** is a class B felony if the person:

9 (1) Possesses:

10 (a) More than twenty still images of child ~~[pornography]~~ **sexual abuse material**; or

11 (b) More than twenty obscene still images; or

12 (c) Child ~~[pornography]~~ **sexual abuse material** comprised of one motion picture,
13 film, videotape, videotape production, or other moving image; or

14 (d) Obscene material comprised of one motion picture, film, videotape production, or
15 other moving image; or

16 (2) Has previously been found guilty of an offense under this section.

17 3. A person who has committed the offense of possession of child ~~[pornography]~~
18 **sexual abuse material** is subject to separate punishments for each item of child
19 ~~[pornography]~~ **sexual abuse material** or obscene material possessed by the person.

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

4 2. (1) Notwithstanding Missouri rule of criminal procedure 25.03 or any other rule or
5 statute to the contrary, a court shall deny, in any criminal proceeding, any request by the
6 defendant to copy, photograph, duplicate, or otherwise reproduce any property or material
7 that constitutes child pornography **as it existed prior to August 28, 2024, or child sexual**
8 **abuse material**, so long as the state makes the property or material reasonably available to
9 the defendant.

10 (2) For the purposes of subdivision (1) of this subsection, property or material shall
11 be deemed to be reasonably available to the defendant if the state provides ample opportunity
12 for inspection, viewing, and examination at a state or other governmental facility of the

13 property or material by the defendant, his or her attorney, and any individual the defendant
14 may seek to qualify to furnish expert testimony at trial.

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

3 (1) What the predominant appeal of the material or performance would be for
4 ordinary adults or minors;

5 (2) The literary, artistic, political or scientific value of the material or performance;

6 (3) The degree of public acceptance in this state and in the local community;

7 (4) The appeal to prurient interest in advertising or other promotion of the material or
8 performance;

9 (5) The purpose of the author, creator, promoter, furnisher or publisher of the material
10 or performance.

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

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

18 (1) Personal inspection of the child;

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

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

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

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

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

573.052. Upon receipt of any information that child ~~[pornography]~~ **sexual abuse**
2 **material** as defined in section 573.010 is contained on a website, the attorney general shall
3 investigate such information. If the attorney general has probable cause to believe the
4 website contains child ~~[pornography]~~ **sexual abuse material**, the attorney general shall notify
5 a website operator of any child ~~[pornography]~~ **sexual abuse material** site residing on that

6 website operator's server, in writing. If the website operator promptly, but in no event longer
7 than five days after receiving notice, removes the alleged pornography from its server, and so
8 long as the website operator is not the purveyor of such child ~~[pornography]~~ **sexual abuse**
9 **material**, it shall be immune from civil liability. If the website operator does not promptly
10 remove the alleged pornography, the attorney general may seek an injunction pursuant to
11 section 573.070 to remove the child ~~[pornography]~~ **sexual abuse material** site from the
12 website operator's server. This section shall not be construed to create any defense to any
13 criminal charges brought pursuant to this chapter.

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

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

10 3. Nothing in this section shall be construed to require a provider of electronic
11 communication services or remote computing services to monitor any user, subscriber or
12 customer of the provider, or the content of any communication of any user, subscriber or
13 customer of the provider.

589.042. The court or the parole board shall have the authority to require a person
2 who is required to register as a sexual offender under sections 589.400 to 589.425 to give his
3 or her assigned probation or parole officer access to his or her personal home computer as a
4 condition of probation or parole in order to monitor and prevent such offender from obtaining
5 and keeping child ~~[pornography]~~ **sexual abuse material** or from committing an offense under
6 chapter 566. Such access shall allow the probation or parole officer to view the internet use
7 history, computer hardware, and computer software of any computer, including a laptop
8 computer, that the offender owns.

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

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

5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been
6 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
7 conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the
8 first degree when the victim was a child and the defendant was not a parent or guardian of the

9 child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious
10 restraint or kidnapping in the second degree when the victim was a child and the defendant is
11 not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a
12 nursing home or sexual conduct with a nursing facility resident or vulnerable person in the
13 first or second degree; endangering the welfare of a child under section 568.045 when the
14 endangerment is sexual in nature; genital mutilation of a female child, under section 568.065;
15 promoting prostitution in the first degree; promoting prostitution in the second degree;
16 promoting prostitution in the third degree; sexual exploitation of a minor; promoting child
17 pornography in the first degree **as it existed prior to August 28, 2024; promoting child**
18 **sexual abuse material in the first degree;** promoting child pornography in the second
19 degree **as it existed prior to August 28, 2024; promoting child sexual abuse material in**
20 **the second degree;** possession of child pornography **as it existed prior to August 28, 2024;**
21 **possession of child sexual abuse material;** furnishing pornographic material to minors;
22 public display of explicit sexual material; coercing acceptance of obscene material; promoting
23 obscenity in the first degree; promoting pornography for minors or obscenity in the second
24 degree; incest; use of a child in a sexual performance; or promoting sexual performance by a
25 child; patronizing prostitution if the individual the person patronizes is less than eighteen
26 years of age;

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

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

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

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

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

43 (8) Any person who has been or is required to register in another state, territory, the
44 District of Columbia, or foreign country, or has been or is required to register under tribal,
45 federal, or military law and who works or attends an educational institution, whether public or

46 private in nature, including any secondary school, trade school, professional school, or
47 institution of higher education on a full-time or on a part-time basis or has a temporary
48 residence in Missouri. "Part-time" in this subdivision means for more than seven days in any
49 twelve-month period.

50 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
51 days of adjudication, release from incarceration, or placement upon probation, register with
52 the chief law enforcement official of the county or city not within a county in which such
53 person resides unless such person has already registered in that county for the same offense.
54 For any juvenile under subdivision (6) of subsection 1 of this section, within three business
55 days of adjudication or release from commitment to the division of youth services, the
56 department of mental health, or other placement, such juvenile shall register with the chief
57 law enforcement official of the county or city not within a county in which he or she resides
58 unless he or she has already registered in such county or city not within a county for the same
59 offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in
60 their county of residence shall register with the chief law enforcement official of such county
61 or city not within a county within three business days. The chief law enforcement official
62 shall forward a copy of the registration form required by section 589.407 to a city, town,
63 village, or campus law enforcement agency located within the county of the chief law
64 enforcement official.

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

- 67 (1) All offenses requiring registration are reversed, vacated, or set aside;
68 (2) The registrant is no longer required to register and his or her name shall be
69 removed from the registry under the provisions of section 589.414; or
70 (3) The court orders the removal or exemption of such person from the registry under
71 section 589.401.

72 4. The registration requirements shall be as follows:

- 73 (1) Fifteen years if the offender is a tier I sex offender as provided under section
74 589.414;
75 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
76 589.414; or
77 (3) The life of the offender if the offender is a tier III sex offender.

78 5. (1) The registration period shall be reduced as described in subdivision (3) of this
79 subsection for a sex offender who maintains a clean record for the periods described under
80 subdivision (2) of this subsection by:

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

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

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

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

88 (2) In the case of a:

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

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

94 (3) In the case of a:

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

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

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

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

106 8. Any person currently on the sexual offender registry or who otherwise would be
107 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
108 nature when the victim was a child and he or she was the parent or guardian of the child,
109 nonsexual child abuse that was committed under section 568.060, or kidnapping of a
110 nonsexual nature when the victim was a child and he or she was the parent or guardian of the
111 child shall be removed from the registry. However, such person shall remain on the sexual
112 offender registry for any other offense for which he or she is required to register under
113 sections 589.400 to 589.425.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

142 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
143 student shall register for the duration of such person's employment, including participation as
144 a volunteer or intern, or attendance at any school of higher education whether public or
145 private, including any secondary school, trade school, professional school, or institution of
146 higher education on a full-time or part-time basis in this state unless granted relief under
147 section 589.401. Any registered offender shall provide information regarding any place in
148 which the offender is staying when away from his or her residence for seven or more days,
149 including the period of time the offender is staying in such place. Any registered offender
150 from another state who has a temporary residence in this state and resides more than seven
151 days in a twelve-month period shall register for the duration of such person's temporary
152 residency unless granted relief under section 589.401.

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

4 (1) Name;

5 (2) Residence;

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

7 (4) Student status; or

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

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

12 (1) Vehicle information;

13 (2) Temporary lodging information;

14 (3) Temporary residence information;

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

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

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

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

42 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
43 section, shall report in person to the chief law enforcement official annually in the month of
44 their birth to verify the information contained in their statement made pursuant to section
45 589.407. Tier I sexual offenders include:

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

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

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

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

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

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

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

57 (g) Sexual conduct under section 566.116 with a nursing facility resident or
58 vulnerable person;

59 (h) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty**
60 under section 566.145 if the victim is eighteen years of age or older;

61 (i) Sex with an animal under section 566.111;

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

64 (k) Possession of child pornography under section 573.037 **as it existed prior to**
65 **August 28, 2024;**

66 (l) **Possession of child sexual abuse material under section 573.037;**

67 (m) Sexual misconduct in the first degree under section 566.093;

68 ~~(m)~~ (n) Sexual misconduct in the second degree under section 566.095;

69 ~~(n)~~ (o) Child molestation in the second degree under section 566.068 as it existed
70 prior to January 1, 2017, if the punishment is less than one year; or

71 ~~(o)~~ (p) Invasion of privacy under section 565.252 if the victim is less than eighteen
72 years of age;

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

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

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

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

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

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

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

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

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

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

96 (h) **Promoting child sexual abuse material in the first degree under section**
97 **573.025;**

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

100 (j) **Promoting child sexual abuse material in the second degree under section**
101 **573.035;**

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

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

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

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

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

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

114 (3) Any person who is or has been adjudicated in any other state, territory, the District
115 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense

116 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses
117 listed in this subsection or, if not comparable to those in this subsection, comparable to those
118 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I
119 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

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

124 (1) Any offender registered as a predatory sexual offender as defined in section
125 566.123 or a persistent sexual offender as defined in section 566.124;

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

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

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

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

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

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

133 (f) Statutory sodomy under section 566.062;

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

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

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

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

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

143 (l) Child kidnapping under section 565.115;

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

146 (n) Incest under section 568.020;

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

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

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

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

- 153 (s) Promoting prostitution in the first degree under section 567.050 if the victim is
154 under eighteen years of age;
- 155 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
156 under eighteen years of age;
- 157 (u) Promoting prostitution in the third degree under section 567.070 if the victim is
158 under eighteen years of age;
- 159 (v) Promoting travel for prostitution under section 567.085 if the victim is under
160 eighteen years of age;
- 161 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the
162 victim is under eighteen years of age;
- 163 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 164 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 165 (z) Genital mutilation of a female child under section 568.065;
- 166 (aa) Statutory rape in the second degree under section 566.034;
- 167 (bb) Child molestation in the fourth degree under section 566.071 if the victim is
168 under thirteen years of age;
- 169 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term
170 of imprisonment of more than a year;
- 171 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
172 offender;
- 173 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
174 victim is under thirteen years of age;
- 175 (ff) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public**
176 **duty** under section 566.145 if the victim is under thirteen years of age;
- 177 (gg) ~~[Sexual intercourse with a prisoner or offender under section 566.145;~~
178 ~~(hh)]~~ Sexual contact with a student under section 566.086 if the victim is under
179 thirteen years of age;
- 180 ~~[(ii)]~~ **(hh)** Use of a child in a sexual performance under section 573.200; or
181 ~~[(jj)]~~ **(ii)** Promoting a sexual performance by a child under section 573.205;
- 182 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II
183 offense listed in this section or failure to register offense under section 589.425, or other
184 comparable out-of-state failure to register offense, who has been or is already required to
185 register as a tier II offender because of having been adjudicated for a tier II offense, two tier I
186 offenses, or combination of a tier I offense and failure to register offense, on a previous
187 occasion;
- 188 (4) Any offender who is adjudicated in any other state, territory, the District of
189 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of

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

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

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

204 9. If a person who is required to register as a sexual offender under sections 589.400
205 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person
206 shall report such information in the same manner as a change of residence before using such
207 online identifier.

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

10 2. The department of public safety shall create a program to distribute grants to
11 multijurisdictional internet cyber crime law enforcement task forces, multijurisdictional
12 enforcement groups, as defined in section 650.153, that are investigating internet sex crimes
13 against children, and other law enforcement agencies. The program shall be funded by the
14 cyber crime investigation fund created under subsection 1 of this section. Not more than
15 three percent of the money in the fund may be used by the department to pay the
16 administrative costs of the grant program. The grants shall be awarded and used to pay the
17 salaries of detectives and computer forensic personnel whose focus is investigating internet
18 sex crimes against children, including but not limited to enticement of a child, possession or
19 promotion of child ~~[pornography]~~ **sexual abuse material**, provide funding for the training of

20 law enforcement personnel and prosecuting and circuit attorneys as well as their assistant
21 prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services.
22 The funding for such training may be used to cover the travel expenses of those persons
23 participating.

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

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

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

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

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

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

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

37

38 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection
39 shall serve a four-year term ending four years from the date of expiration of the term for
40 which his or her predecessor was appointed. However, a person appointed to fill a vacancy
41 prior to the expiration of such a term shall be appointed for the remainder of the term. Such
42 members shall hold office for the term of his or her appointment and until a successor is
43 appointed. The members of the panel shall receive no additional compensation but shall be
44 eligible for reimbursement for mileage directly related to the performance of panel duties.

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

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

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

55 7. Multijurisdictional internet cyber crime law enforcement task forces and other law
56 enforcement agencies participating in the grant program established in subsection 2 of this

57 section shall share information and cooperate with the highway patrol and with existing
58 internet crimes against children task force programs.

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

61 9. The power of arrest of any peace officer who is duly authorized as a member of a
62 multijurisdictional internet cyber crime law enforcement task force shall only be exercised
63 during the time such peace officer is an active member of such task force and only within the
64 scope of the investigation on which the task force is working. Notwithstanding other
65 provisions of law to the contrary, such task force officer shall have the power of arrest, as
66 limited in this subsection, anywhere in the state and shall provide prior notification to the
67 chief of police of a municipality or the sheriff of the county in which the arrest is to take
68 place. If exigent circumstances exist, such arrest may be made and notification shall be made
69 to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or
70 sheriff may elect to work with the multijurisdictional internet cyber crime law enforcement
71 task force at his or her option when such task force is operating within the jurisdiction of such
72 chief of police or sheriff.

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

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

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

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

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

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

10 (2) Assist in the investigation of child abuse, child neglect, child sexual abuse, child
11 exploitation, child ~~[pornography]~~ **sexual abuse material**, or child fatality cases, upon the
12 request of a local, county, state, or federal law enforcement agency, county, state, or federal

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

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

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

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

35 4. All reports and records made and maintained by the state technical assistance team
36 or local law enforcement relating to criminal investigations conducted pursuant to this
37 section, including arrests, shall be available in the same manner as law enforcement records,
38 as set forth in sections 610.100 to 610.200, and to the individuals identified in subdivision
39 (13) of subsection 2 of section 210.150. All other records shall be available in the same
40 manner as provided for in section 210.150.

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