

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 882
103RD GENERAL ASSEMBLY

2140H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 589.400 and 589.414, RSMo, and to enact in lieu thereof three new sections relating to the sexual offender registry, with a penalty provision.

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

Section A. Sections 589.400 and 589.414, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 589.400, 589.406, and 589.414, to read as
3 follows:

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; promoting child pornography in the second degree;

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.

18 possession of child pornography; furnishing pornographic material to minors; public display
19 of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in
20 the first degree; promoting pornography for minors or obscenity in the second degree; incest;
21 use of a child in a sexual performance; or promoting sexual performance by a child;
22 patronizing prostitution if the individual the person patronizes is less than eighteen years of
23 age;

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

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

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

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

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

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

47 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
48 days of adjudication, release from incarceration, or placement upon probation, register with
49 the chief law enforcement official of the county or city not within a county in which such
50 person resides unless such person has already registered in that county for the same offense.
51 For any juvenile under subdivision (6) of subsection 1 of this section, within three business
52 days of adjudication or release from commitment to the division of youth services, the
53 department of mental health, or other placement, such juvenile shall register with the chief
54 law enforcement official of the county or city not within a county in which he or she resides

55 unless he or she has already registered in such county or city not within a county for the same
56 offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in
57 their county of residence shall register with the chief law enforcement official of such county
58 or city not within a county within three business days. The chief law enforcement official
59 shall forward a copy of the registration form required by section 589.407 to a city, town,
60 village, or campus law enforcement agency located within the county of the chief law
61 enforcement official.

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

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

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

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

69 4. The registration requirements shall be as follows:

70 (1) Fifteen years if the offender is a tier I sex offender as provided under section
71 589.414;

72 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
73 589.414; or

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

75 5. (1) The registration period shall be reduced as described in subdivision (3) of this
76 subsection for a sex offender who maintains a clean record for the periods described under
77 subdivision (2) of this subsection by:

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

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

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

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

85 (2) In the case of a:

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

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

91 (3) In the case of a:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**589.406. A sexual offender required to register under sections 589.400 to 589.425
2 shall not be allowed to file a petition to a court to change his or her name until the
3 offender is no longer required to register and the offender's name is removed from the
4 registry. Any sexual offender who intentionally violates this section shall be guilty of a
5 class E felony.**

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)]~~ (2) Employment, including status as a volunteer or intern;

7 ~~[(4)]~~ (3) Student status; or

8 ~~[(5)]~~ (4) 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;
- 65 (l) Sexual misconduct in the first degree under section 566.093;
- 66 (m) Sexual misconduct in the second degree under section 566.095;
- 67 (n) Child molestation in the second degree under section 566.068 as it existed prior to
68 January 1, 2017, if the punishment is less than one year; or
- 69 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years
70 of age;
- 71 (2) Any offender who is or has been adjudicated in any other state, territory, the
72 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
73 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
74 offenses listed in this subsection or, if not comparable to those in this subsection, comparable
75 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
76 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 77 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
78 section, shall report semiannually in person in the month of their birth and six months
79 thereafter to the chief law enforcement official to verify the information contained in their
80 statement made pursuant to section 589.407. Tier II sexual offenders include:
- 81 (1) Any offender who has been adjudicated for the offense of:
- 82 (a) Statutory sodomy in the second degree under section 566.064 if the victim is
83 sixteen to seventeen years of age;
- 84 (b) Child molestation in the third degree under section 566.069 if the victim is
85 between thirteen and fourteen years of age;

- 86 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to
87 seventeen years of age;
- 88 (d) Enticement of a child under section 566.151;
- 89 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
90 victim is thirteen to seventeen years of age;
- 91 (f) Sexual exploitation of a minor under section 573.023;
- 92 (g) Promoting child pornography in the first degree under section 573.025;
- 93 (h) Promoting child pornography in the second degree under section 573.035;
- 94 (i) Patronizing prostitution under section 567.030;
- 95 (j) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty**
96 under section 566.145 if the victim is thirteen to seventeen years of age;
- 97 (k) Child molestation in the fourth degree under section 566.071 if the victim is
98 thirteen to seventeen years of age;
- 99 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense
100 and the penalty is a term of imprisonment of more than a year; or
- 101 (m) Age misrepresentation with intent to solicit a minor under section 566.153;
- 102 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
103 in this section or failure to register offense under section 589.425 or comparable out-of-state
104 failure to register offense and who is already required to register as a tier I offender due to
105 having been adjudicated of a tier I offense on a previous occasion; or
- 106 (3) Any person who is or has been adjudicated in any other state, territory, the District
107 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
108 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses
109 listed in this subsection or, if not comparable to those in this subsection, comparable to those
110 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I
111 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 112 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
113 this section, shall report in person to the chief law enforcement official every ninety days to
114 verify the information contained in their statement made under section 589.407. Tier III
115 sexual offenders include:
- 116 (1) Any offender registered as a predatory sexual offender ~~[as defined in section~~
117 ~~566.123]~~ or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;
- 118 (2) Any offender who has been adjudicated for the crime of:
- 119 (a) Rape in the first degree under section 566.030;
- 120 (b) Statutory rape in the first degree under section 566.032;
- 121 (c) Rape in the second degree under section 566.031;

- 122 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
123 offense is sexual in nature;
- 124 (e) Sodomy in the first degree under section 566.060;
- 125 (f) Statutory sodomy under section 566.062;
- 126 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of
127 age;
- 128 (h) Sodomy in the second degree under section 566.061;
- 129 (i) Sexual misconduct involving a child under section 566.083 if the offense is a
130 second or subsequent offense;
- 131 (j) Sexual abuse in the first degree under section 566.100 if the victim is under
132 thirteen years of age;
- 133 (k) Kidnapping in the first degree under section 565.110 if the victim is under
134 eighteen years of age, excluding kidnapping by a parent or guardian;
- 135 (l) Child kidnapping under section 565.115;
- 136 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
137 degree under section 566.115 if the punishment is greater than a year;
- 138 (n) Incest under section 568.020;
- 139 (o) Endangering the welfare of a child in the first degree under section 568.045 with
140 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 141 (p) Child molestation in the first degree under section 566.067;
- 142 (q) Child molestation in the second degree under section 566.068;
- 143 (r) Child molestation in the third degree under section 566.069 if the victim is under
144 thirteen years of age;
- 145 (s) Promoting prostitution in the first degree under section 567.050 if the victim is
146 under eighteen years of age;
- 147 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
148 under eighteen years of age;
- 149 (u) Promoting prostitution in the third degree under section 567.070 if the victim is
150 under eighteen years of age;
- 151 (v) Promoting travel for prostitution under section 567.085 if the victim is under
152 eighteen years of age;
- 153 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the
154 victim is under eighteen years of age;
- 155 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 156 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 157 (z) Genital mutilation of a female child under section 568.065;
- 158 (aa) Statutory rape in the second degree under section 566.034;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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