

SECOND REGULAR SESSION

# HOUSE BILL NO. 2323

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUCAS.

5018H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To amend chapter 589, RSMo, by adding thereto three new sections relating to domestic abuse offender registration, with penalty provisions.

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

Section A. Chapter 589, RSMo, is amended by adding thereto three new sections, to be known as sections 589.750, 589.752, and 589.753, to read as follows:

**589.750. 1. The provisions of sections 589.750 to 589.753 shall be known as the "Missouri Domestic Abuse Offender Registration and Accountability Act".**

**2. For purposes of sections 589.750 to 589.753, the following terms mean:**

**(1) "Domestic abuse offense", a felony or class A misdemeanor offense under chapter 565 involving physical injury, threat of physical injury, or sexual assault committed by one family or household member against another;**

**(2) "High-risk offender", an offender convicted of a domestic abuse offense who:**

**(a) Has two or more prior convictions for a domestic abuse offense; or**

**(b) Has been determined through an evidence-based risk assessment approved by the department of public safety to present a high risk of recidivism;**

**(3) "Law enforcement agency", any city, county, or state police department or law enforcement entity authorized to enforce laws within the state;**

**(4) "Offender", a person determined by a court to meet the definition of a high-risk offender under this section;**

**(5) "Registration", the process by which an offender provides personal information to the department of public safety for inclusion in a secure and confidential database accessible only to authorized law enforcement personnel.**

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           **3. A sentencing court may order a high-risk offender to register with the**  
19 **department of public safety as provided under this section.**

20           **4. (1) Prior to ordering registration under this section, the sentencing court shall**  
21 **conduct a hearing to determine whether:**

22               **(a) The person meets the definition of a high-risk offender; and**

23               **(b) Registration is necessary to protect public safety.**

24           **(2) At the hearing, the offender shall have the right to counsel and the right to**  
25 **present evidence relevant to risk and rehabilitation.**

26           **(3) The sentencing court shall make written findings of fact supporting any**  
27 **order requiring registration under this section.**

28           **5. Any person ordered to register with the department of public safety under this**  
29 **section shall register within seventy-two hours of the date of his or her conviction or of**  
30 **his or her release from incarceration, whichever occurs later.**

31           **6. Offenders shall provide to the department of public safety the following**  
32 **information when registering:**

33               **(1) Full legal name and any aliases;**

34               **(2) Date of birth;**

35               **(3) Current residential address and any past addresses from the preceding five**  
36 **years;**

37               **(4) Current employment information;**

38               **(5) Current vehicle information, including license plate number and vehicle**  
39 **identification number for each vehicle leased or owned by the offender; and**

40               **(6) Any other information deemed necessary by the department of public safety.**

41           **7. Offenders shall update their registration information with the department of**  
42 **public safety within ten days of any change to the information required under**  
43 **subsection 6 of this section. The department shall provide reasonable procedures and**  
44 **assistance for offenders who are homeless, without stable housing, or otherwise unable**  
45 **to comply strictly with such requirement.**

46           **8. Offenders shall be required to maintain registration for a duration of five**  
47 **years following the completion of their sentence, probation, or parole, unless otherwise**  
48 **ordered by the court.**

49           **9. After three years of demonstrated compliance and no new offenses, an**  
50 **offender may petition the sentencing court for removal from the registry. The**  
51 **department of public safety shall annually review registrations and may recommend**  
52 **early termination for compliant offenders who are assessed as low risk.**

**589.752. 1. The department of public safety shall maintain a secure and**  
2 **confidential electronic database of registered domestic abuse offenders. Access to the**

3 database shall be restricted to law enforcement agencies and courts for purposes of  
4 investigation, supervision, or victim safety planning. No information contained in the  
5 registry shall be publicly disclosed or used to identify or locate any victim of domestic  
6 abuse.

7       2. The department of public safety shall notify victims prior to the release of any  
8 offender information to law enforcement. The department shall coordinate with  
9 certified victim service organizations to provide safety planning, notification, and  
10 support.

11       3. An offender who knowingly and willfully fails to register or update  
12 information as required under sections 589.750 to 589.753 shall be subject to:

13       (1) For a first violation of the requirement to register or update information, a  
14 civil fine not exceeding five hundred dollars, with written notification and fifteen days to  
15 correct such violation before any penalty is imposed; and

16       (2) For a second or subsequent willful violation of the requirement to register or  
17 update information, a class A misdemeanor punishable by imprisonment not to exceed  
18 one year and a fine not to exceed one thousand dollars.

19       4. The department of public safety shall establish procedures to assist offenders  
20 in maintaining compliance with registration requirements, including reminders,  
21 counseling, and verification programs.

      589.753. 1. The department of public safety shall allocate necessary funding and  
2 resources to implement and maintain the domestic abuse offender registration system  
3 including, but not limited to, funding for personnel, technology, and training.

4       2. Funding authorized under this section shall not reduce or replace  
5 appropriations for victim services, prevention, or domestic violence intervention  
6 programs.

7       3. The state auditor shall conduct a performance audit of the registry every three  
8 years to evaluate compliance, costs, and effectiveness.

9       4. The department of public safety shall submit a biennial report to the general  
10 assembly detailing:

11       (1) Recidivism rates of registered offenders;

12       (2) The registry's effectiveness in assisting law enforcement and protecting  
13 victims; and

14       (3) Recommendations for continuation, modification, or repeal of the registry  
15 program.

16       5. Under section 23.253 of the Missouri sunset act:

17           **(1) The provisions of the new program authorized under sections 589.750 to**  
18 **589.753 shall sunset six years after the effective date of sections 589.750 to 589.753**  
19 **unless reauthorized by an act of the general assembly; and**

20           **(2) Sections 589.750 to 589.753 shall terminate on September first of the**  
21 **calendar year immediately following the calendar year in which the program authorized**  
22 **under sections 589.750 to 589.753 is sunset.**

23           **6. The director of the department of public safety may promulgate all necessary**  
24 **rules and regulations for the administration of this section. Any rule or portion of a**  
25 **rule, as that term is defined in section 536.010, that is created under the authority**  
26 **delegated in this section shall become effective only if it complies with and is subject to**  
27 **all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
28 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
29 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
30 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
31 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

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