

SECOND REGULAR SESSION

HOUSE BILL NO. 2311

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COSTLOW.

5693H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 566.034, 566.068, 566.071, 589.400, 589.401, 589.403, 589.410, and 589.414, RSMo, and to enact in lieu thereof eight new sections relating to the sexual offender registry, with penalty provisions.

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

Section A. Sections 566.034, 566.068, 566.071, 589.400, 589.401, 589.403, 589.410, 2 and 589.414, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known 3 as sections 566.034, 566.068, 566.071, 589.400, 589.401, 589.403, 589.410, and 589.414, to 4 read as follows:

566.034. 1. A person commits the offense of statutory rape in the second degree if 2 being twenty-one years of age or older, he or she has sexual intercourse with another person 3 who is less than ~~seventeen~~ **eighteen** years of age.

4 2. The offense of statutory rape in the second degree is a class D felony.

566.068. 1. A person commits the offense of child molestation in the second degree 2 if he or she:

3 (1) Subjects a child who is less than twelve years of age to sexual contact; or

4 (2) Being more than ~~four~~ **three** years older than a child who is less than ~~seventeen~~ 5 **eighteen** years of age, subjects the child to sexual contact and the offense is an aggravated 6 sexual offense.

7 2. The offense of child molestation in the second degree is a class B felony.

566.071. 1. A person commits the offense of child molestation in the fourth degree if, 2 being more than ~~four~~ **three** years older than a child who is less than ~~seventeen~~ **eighteen** 3 years of age, **the person** subjects the child to sexual contact.

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.

4 2. The offense of child molestation in the fourth degree is a class E felony.

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]~~ **ordered by a court of competent jurisdiction to be**
5 **removed from the registry under** section 589.401;

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

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

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

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

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

35 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
36 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,

37 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,
38 would constitute an offense listed under section 589.414, or has been or is required to register
39 in another state, territory, the District of Columbia, or foreign country, or has been or is
40 required to register under tribal, federal, or military law; or

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

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

63 3. The registration requirements of sections 589.400 through 589.425 shall be as
64 provided under subsection 4 of this section unless[+]

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

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

68 ~~(3) The] a court of competent jurisdiction orders the removal [or exemption] of such~~
69 person from the registry under section 589.401.

70 4. The registration requirements shall be as follows:

71 (1) Fifteen years if the offender is a tier I sex offender as provided under section
72 589.414;

73 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
74 589.414; or

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

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

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

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

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

83 and

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

86 (2) In the case of a:

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

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

92 (3) In the case of a:

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

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

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

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

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

110 offender registry for any other offense for which he or she is required to register under
111 sections 589.400 to 589.425.

112 ~~9. The following]~~ **(1) Certain** persons shall [be exempt from registering as a sexual
113 offender upon petition to the court of jurisdiction under section 589.401; except that, such
114 person shall remain on the sexual offender registry for any other offense for which he or she is
115 required to register under sections 589.400 to 589.425:

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

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

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

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

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

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

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

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

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

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

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

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

135 ~~(i) Acting as an international marriage broker and failing to provide the information~~
136 ~~and notice as required under section 578.475]~~ **have the right to petition for exemption from**
137 **the requirements of sections 589.400 to 589.425 in accordance with this subsection.**

138 **(2) A petition for exemption shall be filed in the same manner as described in**
139 **section 589.401 and shall be the exclusive remedy for adjudicating the applicability of**
140 **the exemptions in this subsection.**

141 **(3) If a petition for exemption is filed before a person is required to register**
142 **under this section, the requirements of sections 589.400 to 589.425 shall be stayed**
143 **pending the outcome. In the event a petition is denied, the requirements of sections**
144 **589.400 to 589.425 shall be in effect three business days after the denial order. Nothing**
145 **in this subsection shall alter ongoing requirements for persons whose initial registration**
146 **requirement begins prior to the filing of a petition for exemption.**

147 **(4) A person seeking exemption shall have the burden of proving he or she was**
148 **convicted of an offense involving sexual conduct where no force or threat of force was**
149 **directed toward the victim, the victim was fourteen years of age or older, and the**
150 **offender was not more than three years older than the victim at the time of the offense.**

151 **(5) If a court determines a person to be exempt, sections 589.400 to 589.425 shall**
152 **not apply for purposes of the exempt offense. In the event a person currently registered**
153 **is found to be exempt, the person shall be removed from the registry and the**
154 **requirements of sections 589.400 to 589.425 shall no longer apply.**

155 **(6) Nothing in this subsection shall prohibit a person from remaining or being**
156 **placed on the sexual offender registry for any other nonexempt offense for which he or**
157 **she is required to register under sections 589.400 to 589.425.**

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

161 ~~11.]~~ **9.** Any nonresident worker, including work as a volunteer or intern, or
162 nonresident student shall register for the duration of such person's employment, including
163 participation as a volunteer or intern, or attendance at any school of higher education whether
164 public or private, including any secondary school, trade school, professional school, or
165 institution of higher education on a full-time or part-time basis in this state unless granted
166 relief under section 589.401. Any registered offender shall provide information regarding any
167 place in which the offender is staying when away from his or her residence for seven or more
168 days, including the period of time the offender is staying in such place. Any registered
169 offender from another state who has a temporary residence in this state and resides more than
170 seven days in a twelve-month period shall register for the duration of such person's temporary
171 residency unless granted relief under section 589.401.

 589.401. 1. A person on the sexual offender registry may file a petition in the
2 division of the circuit court in the county or city not within a county in which the offense
3 requiring registration was committed to have his or her name removed from the sexual
4 offender registry.

5 2. A person who is required to register in this state because of an offense that was
6 adjudicated in another jurisdiction shall file his or her petition for removal according to the
7 laws of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or
8 foreign country in which his or her offense was adjudicated. Upon the grant of the petition
9 for removal in the jurisdiction where the offense was adjudicated, such judgment may be
10 registered in this state by sending the information required under subsection 5 of this section
11 as well as one authenticated copy of the order granting removal from the sexual offender
12 registry in the jurisdiction where the offense was adjudicated to the court in the county or city

13 not within a county in which the offender is required to register. On receipt of a request for
14 registration removal, the registering court shall cause the order to be filed as a foreign
15 judgment, together with one copy of the documents and information, regardless of their form.
16 The petitioner shall be responsible for costs associated with filing the petition. **Nothing in
17 this subsection shall relieve an individual from the registration requirements of sections
18 589.400 to 589.425. In addition to the requirements for removal under section 589.401,
19 individuals with a registered foreign judgment may include a copy of the foreign
20 judgment in an action under section 589.401 in the manner foreign judgments are
21 normally used to establish facts in a proceeding.**

22 3. A person required to register:

23 (1) As a tier III offender;

24 (2) Under subdivision (7) of subsection 1 of section 589.400; or

25 (3) As a result of an offense that is sexual in nature committed against a minor or
26 against an incapacitated person as defined under section 475.010

27

28 shall not file a petition under this section unless the requirement to register results from a
29 juvenile adjudication.

30 4. The petition shall be dismissed without prejudice if the following time periods
31 have not elapsed since the date the person was required to register for his or her most recent
32 offense under sections 589.400 to 589.425:

33 (1) For a tier I offense, ten years;

34 (2) For a tier II offense, twenty-five years; or

35 (3) For a tier III offense adjudicated delinquent, twenty-five years.

36 5. The petition shall be dismissed without prejudice if it fails to include any of the
37 following:

38 (1) The petitioner's:

39 (a) Full name, including any alias used by the individual;

40 (b) Sex;

41 (c) Race;

42 (d) Date of birth;

43 (e) Last four digits of the Social Security number;

44 (f) Address; and

45 (g) Place of employment, school, or volunteer status;

46 (2) The offense and tier of the offense that required the petitioner to register;

47 (3) The date the petitioner was adjudicated for the offense;

48 (4) The date the petitioner was required to register;

49 (5) The case number and court, including the county or city not within a county, that
50 entered the original order for the adjudicated sex offense;

51 (6) Petitioner's fingerprints on an applicant fingerprint card;

52 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
53 vacated, or set aside, an authenticated copy of the order; and

54 (8) If the petitioner is currently registered under applicable law and has not been
55 adjudicated for failure to register in any jurisdiction and does not have any charges pending
56 for failure to register.

57 6. The petition shall name as respondents the Missouri state highway patrol and the
58 chief law enforcement official in the county or city not within a county in which the petition
59 is filed.

60 7. All proceedings under this section shall be governed under the Missouri supreme
61 court rules of civil procedure.

62 8. The person seeking removal or exemption from the registry shall provide the
63 prosecuting attorney in the circuit court in which the petition is filed with notice of the
64 petition. The prosecuting attorney may present evidence in opposition to the requested relief
65 or may otherwise demonstrate the reasons why the petition should be denied. Failure of the
66 person seeking removal or exemption from the registry to notify the prosecuting attorney of
67 the petition shall result in an automatic denial of such person's petition.

68 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
69 access to all applicable records concerning the petitioner including, but not limited to,
70 criminal history records, mental health records, juvenile records, and records of the
71 department of corrections or probation and parole.

72 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
73 crime for which the person was required to register of the petition and the dates and times of
74 any hearings or other proceedings in connection with such petition.

75 11. The court shall not enter an order directing the removal of the petitioner's name
76 from the sexual offender registry unless it finds the petitioner:

77 (1) Has not been adjudicated or does not have charges pending for any additional
78 nonsexual offense for which imprisonment for more than one year may be imposed since the
79 date the offender was required to register for his or her current tier level;

80 (2) Has not been adjudicated or does not have charges pending for any additional sex
81 offense that would require registration under sections 589.400 to 589.425 since the date the
82 offender was required to register for his or her current tier level, even if the offense was
83 punishable by less than one year imprisonment;

84 (3) Has successfully completed any required periods of supervised release, probation,
85 or parole without revocation since the date the offender was required to register for his or her
86 current tier level;

87 (4) Has successfully completed an appropriate sex offender treatment program as
88 approved by a court of competent jurisdiction or the Missouri department of corrections; and

89 (5) Is not a current or potential threat to public safety.

90 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11
91 of this section, the fingerprints filed in the case shall be examined by the Missouri state
92 highway patrol. The petitioner shall be responsible for all costs associated with the
93 fingerprint-based criminal history check of both state and federal files under section 43.530.

94 13. If the petition is denied due to an adjudication in violation of subdivision (1) or
95 (2) of subsection 11 of this section, the petitioner shall not file a new petition under this
96 section until:

97 (1) Fifteen years have passed from the date of the adjudication resulting in the denial
98 of relief if the petitioner is classified as a tier I offender;

99 (2) Twenty-five years have passed from the date of adjudication resulting in the
100 denial of relief if the petitioner is classified as a tier II offender; or

101 (3) Twenty-five years have passed from the date of the adjudication resulting in the
102 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile
103 adjudication.

104 14. If the petition is denied due to the petitioner having charges pending in violation
105 of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new
106 petition under this section until:

107 (1) The pending charges resulting in the denial of relief have been finally disposed of
108 in a manner other than adjudication; or

109 (2) If the pending charges result in an adjudication, the necessary time period has
110 elapsed under subsection 13 of this section.

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

114 16. If the court finds the petitioner is entitled to have his or her name removed from
115 the sexual offender registry, the court shall enter judgment directing the removal of the name.
116 A copy of the judgment shall be provided to the respondents named in the petition.

117 17. Any person subject to the judgment requiring his or her name to be removed from
118 the sexual offender registry is not required to register under sections 589.400 to 589.425
119 unless such person is required to register for an offense that was different from that listed on
120 the judgment of removal.

121 18. The court shall not deny the petition unless the petition failed to comply with the
122 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
123 demonstrating the petition should be denied.

 589.403. 1. Any person who is required to register under sections 589.400 to 589.425
2 and who is paroled, discharged, or otherwise released from any correctional facility of the
3 department of corrections, any mental health institution, private jail under section 221.095, or
4 other private facility recognized by or contracted with the department of corrections or
5 department of mental health where such person was confined shall:

6 (1) If the person plans to reside in this state, be informed by the official in charge of
7 such correctional facility, private jail, or mental health institution of the person's possible duty
8 to register pursuant to sections 589.400 to 589.425. If such person is required to register
9 pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility,
10 private jail, or the mental health institution shall complete the initial registration notification
11 at least seven days prior to release and ~~[forward]~~ **enter** the offender's registration, within three
12 business days of release, ~~[to] into~~ the Missouri state ~~[highway patrol and the chief law~~
13 ~~enforcement official of the county or city not within a county where the person expects to~~
14 ~~reside upon discharge, parole, or release]~~ **sex offender registration system in accordance**
15 **with section 589.410;** or

16 (2) If the person does not reside or plan to reside in Missouri, be informed by the
17 official in charge of such correctional facility, private jail, or mental health institution of the
18 person's possible duty to register under sections 589.400 to 589.425. If such person is
19 required to register under sections 589.400 to 589.425, the official in charge of the
20 correctional facility, private jail, or the mental health institution shall complete the initial
21 registration notification at least seven days prior to release and ~~[forward]~~ **enter** the offender's
22 registration, within three business days of release, ~~[to] into~~ the Missouri state ~~[highway patrol~~
23 ~~and the chief law enforcement official within the county or city not within a county where the~~
24 ~~correctional facility, private jail, or mental health institution is located]~~ **sex offender**
25 **registration system in accordance with section 589.410.**

26 2. **If the person is currently a registered sex offender in Missouri, upon release of**
27 **the offender from any correctional facility of the department of corrections, any mental**
28 **health institution, a private jail under section 221.095, or other private facility**
29 **recognized by or contracted with the department of corrections or department of mental**
30 **health where such person was confined, the official in charge of such correctional**
31 **facility, mental health institution, or private jail shall inform the chief law enforcement**
32 **official of the county or city not within a county where the offender is registered of the**
33 **offender's release.**

34 **3.** If the offender refuses to complete and sign the registration information as outlined
35 in this section or fails to register with the chief law enforcement official within three business
36 days as directed, the offender commits the offense of failure to register under section 589.425
37 within the jurisdiction where the correctional facility, private jail, or mental health institution
38 is located.

39 **4.** **When any person is incarcerated in any jail, municipal detention facility,**
40 **correctional facility of the department of corrections, private jail under section 221.095,**
41 **or other private facility contracted with the department of corrections, or any person is**
42 **committed to the department of mental health or a mental health institution, the official**
43 **in charge of such jail, detention facility, correctional facility, private jail, private facility,**
44 **or mental health institution shall complete a check to see if the person is currently a**
45 **registered sex offender in Missouri. If the person is a registered sex offender in**
46 **Missouri, such official in charge shall inform the chief law enforcement official of the**
47 **county or city not within a county where the offender is registered of the incarceration.**
48 **If the person incarcerated is a registered sex offender, the chief law enforcement official**
49 **of the county or city not within a county where the offender is registered shall ensure the**
50 **offender's status is properly updated in the Missouri sex offender registry.**

589.410. The chief law enforcement official **of a county or city not within a county**
2 shall ~~forward~~ **enter** the completed offender registration form ~~to~~ **into** the Missouri state
3 ~~highway patrol~~ **sex offender registration system** within three days. ~~The patrol~~ **Such**
4 **registration** shall ~~enter the information~~ **be entered** into the Missouri uniform law
5 enforcement system (MULES). **The Missouri state highway patrol shall ensure the**
6 **information entered into the Missouri state sex offender registration system is**
7 **forwarded to the National Crime Information Center (NCIC)** where it is available to
8 members of the criminal justice system, and other entities as provided by law, upon inquiry.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall,
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]~~ **enter** the registration changes described under subsections 1 and 2 of
21 this section ~~[to]~~ **into** the Missouri state ~~[highway patrol]~~ **sex offender registration system in**
22 **accordance with section 589.410** within three business days.

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

43 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
44 section, shall report in person to the chief law enforcement official annually in the month of
45 their birth to verify the information contained in their statement made pursuant to section
46 589.407. Tier I sexual offenders include:

- 47 (1) Any offender who has been adjudicated for the offense of:
- 48 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
49 years of age or older;

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

52 ~~(e)~~ Sexual abuse in the second degree under section 566.101 if the ~~[punishment is~~
53 ~~less than a year]~~ **offense is a misdemeanor;**

54 ~~(d)~~ (c) Kidnapping in the second degree under section 565.120 with sexual
55 motivation;

56 ~~(e)~~ (d) Kidnapping in the third degree under section 565.130 **if the offense is of a**
57 **sexual nature;**

58 ~~(f)~~ (e) Sexual conduct with a nursing facility resident or vulnerable person in the
59 first degree under section 566.115 if the ~~[punishment is less than one year]~~ **offense is a**
60 **misdemeanor;**

61 ~~(g)~~ (f) Sexual conduct under section 566.116 with a nursing facility resident or
62 vulnerable person;

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

65 ~~(i)~~ (h) Sex with an animal under section 566.111;

66 ~~(j)~~ (i) Trafficking for the purpose of sexual exploitation under section 566.209 if the
67 victim is eighteen years of age or older;

68 ~~(k)~~ (j) Possession of child pornography under section 573.037;

69 (k) **Promoting prostitution in the third degree under section 567.070 if the victim**
70 **is eighteen years of age or older;**

71 (l) **Furnishing pornographic material to minors under section 573.040 unless the**
72 **minor is fourteen years of age or older and the offender is less than four years older**
73 **than the minor at the time of the offense;**

74 (m) **Public display of explicit sexual material under section 573.060 if displayed**
75 **to a minor unless the minor is fourteen years of age or older and the offender is less than**
76 **four years older than the minor at the time of the offense;**

77 (n) **Coercing acceptance of obscene material under section 573.065 if the**
78 **coercion is directed at a minor unless the minor is fourteen years of age or older and the**
79 **offender is less than four years older than the minor at the time of the offense;**

80 (o) **Promoting obscenity in the first degree under section 573.020 if directed at a**
81 **minor unless the minor is fourteen years of age or older and the offender is less than**
82 **four years older than the minor at the time of the offense;**

83 (p) **Promoting pornography for minors or obscenity in the second degree under**
84 **section 573.030 if promoted to a minor unless the minor is fourteen years of age or older**
85 **and the offender is less than four years older than the minor at the time of the offense;**

86 (q) **Providing explicit sexual material to a student under section 573.550;**

- 87 ~~[(h)]~~ **(r)** Sexual misconduct in the first degree under section 566.093;
- 88 ~~[(m)]~~ **(s)** Sexual misconduct in the second degree under section 566.095;
- 89 ~~[(n)]~~ ~~Child molestation in the second degree under section 566.068 as it existed prior~~
90 ~~to January 1, 2017, if the punishment is less than one year;]~~ or
- 91 ~~[(o)]~~ **(t)** Invasion of privacy under section 565.252 if the victim is less than eighteen
92 years of age;
- 93 (2) Any offender who is or has been adjudicated in any other state, territory, the
94 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
95 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
96 offenses listed in this subsection or, if not comparable to those in this subsection, comparable
97 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
98 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 99 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
100 section, shall report semiannually in person in the month of their birth and six months
101 thereafter to the chief law enforcement official to verify the information contained in their
102 statement made pursuant to section 589.407. Tier II sexual offenders include:
- 103 (1) Any offender who has been adjudicated for the offense of:
- 104 (a) ~~[Statutory sodomy in the second degree under section 566.064 if the victim is~~
105 ~~sixteen to seventeen years of age;~~
- 106 ~~(b) Child molestation in the third degree under section 566.069 if the victim is~~
107 ~~between thirteen and fourteen years of age;~~
- 108 ~~(c) Sexual contact with a student under section 566.086 if the victim is thirteen to~~
109 ~~seventeen years of age;~~
- 110 ~~(d) Enticement of a child under section 566.151;~~
- 111 ~~(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the~~
112 ~~victim is thirteen to seventeen years of age;~~
- 113 ~~(f) Sexual exploitation of a minor under section 573.023;~~
- 114 ~~(g) Promoting child pornography in the first degree under section 573.025;~~
- 115 ~~(h) Promoting child pornography in the second degree under section 573.035;~~
- 116 ~~(i)]~~ Patronizing prostitution under section 567.030;
- 117 ~~[(j)]~~ ~~Sexual contact with a prisoner or offender under section 566.145 if the victim is~~
118 ~~thirteen to seventeen years of age;~~
- 119 ~~(k) Child molestation in the fourth degree under section 566.071 if the victim is~~
120 ~~thirteen to seventeen years of age;~~
- 121 ~~(l) Sexual misconduct involving a child under section 566.083 if it is a first offense~~
122 ~~and the penalty is a term of imprisonment of more than a year; or~~
- 123 ~~(m) Age misrepresentation with intent to solicit a minor under section 566.153;]~~

124 **(b) Promoting prostitution in the second degree under section 567.060 if the**
125 **victim is eighteen years of age or older; or**

126 **(c) Sexual abuse in the first degree under section 566.100 if the victim is thirteen**
127 **years of age or older and under eighteen years of age;**

128 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
129 in this section or failure to register offense under section 589.425 **or a violation of a**
130 **restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426** or
131 comparable out-of-state failure to register offense **or offender restriction offense** and who is
132 already required to register as a tier I offender due to having been adjudicated of a tier I
133 offense on a previous occasion; or

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

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

144 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~
145 ~~566.123~~] or a persistent sexual offender as defined in section [~~566.124~~] **566.125**;

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

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

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

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

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

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

153 (f) Statutory sodomy under section 566.062;

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

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

157 (i) Sexual misconduct involving a child under section 566.083 [~~if the offense is a~~
158 ~~second or subsequent offense~~];

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

- 161 (k) **Age misrepresentation with intent to solicit a minor under section 566.153;**
162 (l) **Enticement of a child under section 566.151;**
163 (m) Kidnapping in the first degree under section 565.110 if the victim is under
164 eighteen years of age, excluding kidnapping by a parent or guardian;
165 ~~[(h)]~~ (n) Child kidnapping under section 565.115 **with sexual motivation;**
166 ~~[(m)]~~ (o) Sexual conduct with a nursing facility resident or vulnerable person in the
167 first degree under section 566.115 if the ~~[punishment is greater than a year]~~ **offense is a**
168 **felony;**
169 ~~[(n)]~~ (p) Incest under section 568.020;
170 ~~[(o)]~~ (q) Endangering the welfare of a child in the first degree under section 568.045
171 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of
172 age;
173 ~~[(p)]~~ (r) Child molestation in the first degree under section 566.067;
174 ~~[(q)]~~ (s) Child molestation in the second degree under section 566.068 **or child**
175 **molestation in the second degree under section 566.068 as it existed prior to January 1,**
176 **2017, if the punishment is less than one year;**
177 ~~[(r)]~~ (t) Child molestation in the third degree under section 566.069 if the victim is
178 under ~~[thirteen]~~ **fourteen** years of age;
179 ~~[(s)]~~ (u) Promoting prostitution in the first degree under section 567.050 ~~[if the victim~~
180 ~~is under eighteen years of age];~~
181 ~~[(t)]~~ (v) Promoting prostitution in the second degree under section 567.060 if the
182 victim is under eighteen years of age;
183 ~~[(u)]~~ (w) Promoting prostitution in the third degree under section 567.070 if the
184 victim is under eighteen years of age;
185 ~~[(v)]~~ (x) Promoting travel for prostitution under section 567.085 if the victim is under
186 eighteen years of age;
187 ~~[(w)]~~ (y) Trafficking for the purpose of sexual exploitation under section 566.209 if
188 the victim is under eighteen years of age;
189 ~~[(x)]~~ (z) Sexual trafficking of a child in the first degree under section 566.210;
190 ~~[(y)]~~ (aa) Sexual trafficking of a child in the second degree under section 566.211;
191 ~~[(z)]~~ (bb) Genital mutilation of a female child under section 568.065;
192 ~~[(aa)]~~ (cc) Statutory rape in the second degree under section 566.034;
193 ~~[(bb)]~~ (dd) Child molestation in the fourth degree under section 566.071 if the victim
194 is under ~~[thirteen]~~ **seventeen** years of age;
195 ~~[(cc)]~~ (ee) Sexual abuse in the second degree under section 566.101 if the ~~[penalty is~~
196 ~~a term of imprisonment of more than a year]~~ **offense is a felony;**

197 ~~[(dd)]~~ **(ff)** Patronizing prostitution under section 567.030 if the offender is a persistent
198 offender **or if the victim is under eighteen years of age;**

199 ~~[(ee)]~~ **(gg)** Abuse of a child under section 568.060 if the offense is of a sexual nature
200 and the victim is under ~~[thirteen]~~ **eighteen** years of age;

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

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

204 ~~(hh)~~ **(ii)** Sexual contact with a student under section 566.086 if the victim is under
205 ~~[thirteen]~~ **eighteen** years of age;

206 **(jj) Sexual exploitation of a minor under section 573.023;**

207 **(kk) Enabling sexual exploitation of a minor under section 573.024;**

208 **(ll) Promoting child pornography in the first degree under section 573.025;**

209 **(mm) Promoting child pornography in the second degree under section 573.035;**

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

211 ~~(jj)]~~ **(oo)** Promoting a sexual performance by a child under section 573.205; **or**

212 **(pp) Patronizing a sexual performance of a child under section 573.206;**

213 (3) Any offender who is adjudicated ~~[for a crime]~~ **of an offense** comparable to a tier I
214 or tier II offense listed in this section or failure to register offense under section 589.425~~]~~ **or**
215 **a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or**
216 **589.426** or other comparable out-of-state failure to register offense~~]~~ **or offender restriction**
217 **offense and** who has been or is already required to register as a tier II offender because of
218 having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I
219 offense and failure to register offense, on a previous occasion;

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

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

228 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
229 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
230 public or private, including any secondary school, trade school, professional school, or
231 institution of higher education, on a full-time or part-time basis or have a temporary residence
232 in this state shall be required to report in person to the chief law enforcement officer in the
233 area of ~~[the]~~ **any other** state where they work, including as a volunteer or unpaid intern, or

234 attend any school or training and register in that state. "Part-time" in this subsection means
235 for more than seven days in any twelve-month period.

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

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