

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 3068 & 3049
103RD GENERAL ASSEMBLY

6771H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 43.651, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, and 589.417, RSMo, and to enact in lieu thereof nineteen new sections relating to the sex offender registry.

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

Section A. Sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 2 43.651, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 3 589.415, and 589.417, RSMo, are repealed and nineteen new sections enacted in lieu thereof, 4 to be known as sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 589.400, 589.401, 5 589.403, 589.404, 589.405, 589.407, 589.410, 589.411, 589.412, 589.413, 589.414, 589.415, 6 and 589.417, to read as follows:

- 43.500. As used in sections 43.500 to [~~43.651~~] **43.600**, the following terms mean:
- 2 (1) "Administration of criminal justice", performance of any of the following
3 activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution,
4 adjudication, correctional supervision, or rehabilitation of accused persons or criminal
5 offenders. The administration of criminal justice shall include the screening of employees or
6 applicants seeking employment with criminal justice agencies, criminal identification
7 activities, and the collection, storage, and dissemination of criminal history information,
8 including fingerprint searches, photographs, and other unique biometric identification;
- 9 (2) "Central repository", the division within the Missouri state highway patrol
10 responsible for compiling and disseminating complete and accurate criminal history records
11 and statistics;
- 12 (3) "Committee", criminal records and justice information advisory committee;

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.

13 (4) "Comparable ordinance violation", a violation of an ordinance having all the
14 essential elements of a statutory felony or a class A misdemeanor;

15 (5) "Criminal history record information", information collected by criminal justice
16 agencies on individuals consisting of identifiable descriptions and notations of arrests,
17 detentions, indictments, informations, or other formal criminal charges, and any disposition
18 arising therefrom, sentencing, correctional supervision, and release;

19 (6) "Final disposition", the formal conclusion of a criminal proceeding at whatever
20 stage it occurs in the criminal justice system;

21 (7) "Missouri charge code", a unique number assigned by the office of state courts
22 administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005,
23 the complete charge code shall consist of digits assigned by the office of state courts
24 administrator, the two-digit national crime information center modifiers and a single digit
25 designating attempt, accessory, or conspiracy. The only exception to the January 1, 2005,
26 date shall be the courts that are not using the statewide court automation case management
27 pursuant to section 476.055; the effective date will be as soon thereafter as economically
28 feasible for all other courts;

29 (8) "State offense cycle number", a unique number, supplied by or approved by the
30 Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle
31 number, OCN, is used to link the identity of a person, through unique biometric identification,
32 to one or many offenses for which the person is arrested or charged. The OCN will be used to
33 track an offense incident from the date of arrest to the final disposition when the offender
34 exits from the criminal justice system;

35 (9) "Unique biometric identification", automated methods of recognizing and
36 identifying an individual based on a physiological characteristic. Biometric identification
37 methods may include but are not limited to facial recognition, fingerprints, palm prints, hand
38 geometry, iris recognition, and retinal scan.

43.503. 1. For the purpose of maintaining complete and accurate criminal history
2 record information, all police officers of this state, the clerk of each court, the department of
3 corrections, the sheriff of each county, the chief law enforcement official of a city not within a
4 county and the prosecuting attorney of each county or the circuit attorney of a city not within
5 a county shall submit certain criminal arrest, charge, and disposition information to the
6 central repository for filing without undue delay in the form and manner required by sections
7 43.500 to ~~[43.654]~~ **43.600**.

8 2. All law enforcement agencies making misdemeanor and felony arrests as
9 determined by section 43.506 shall furnish without undue delay, to the central repository,
10 fingerprints, photograph, and if available, any other unique biometric identification collected,
11 charges, appropriate charge codes, and descriptions of all persons who are arrested for such

12 offenses on standard fingerprint forms supplied or approved by the highway patrol or
13 electronically in a format and manner approved by the highway patrol and in compliance with
14 the standards set by the Federal Bureau of Investigation in its Automated Fingerprint
15 Identification System or its successor program. All such agencies shall also notify the central
16 repository of all decisions not to refer such arrests for prosecution. An agency making such
17 arrests may enter into arrangements with other law enforcement agencies for the purpose of
18 furnishing without undue delay such fingerprints, photograph, and if available, any other
19 unique biometric identification collected, charges, appropriate charge codes, and descriptions
20 to the central repository upon its behalf.

21 3. In order for the Missouri office of prosecution services to maintain complete and
22 accurate statewide reports as required by section 56.750, on or before January 1, 2028, and
23 thereafter, all police officers of this state, the sheriff and each deputy sheriff of each county,
24 and the chief law enforcement official of a city not within a county and his or her officers
25 shall submit referrals for any traffic violation, ordinance violation, or misdemeanor or felony
26 offense referred to a prosecuting or circuit attorney in the form and manner approved by the
27 Missouri office of prosecution services as required by subdivision (7) of subsection 1 of
28 section 56.750. At a minimum, any referral to a prosecuting attorney or circuit attorney for a
29 felony offense shall include a probable cause statement and an investigative report. Any law
30 enforcement agency that violates this subsection shall be ineligible to receive state or federal
31 funds that would otherwise be paid to such agency for law enforcement, safety, or criminal
32 justice purposes.

33 4. In instances where an individual less than seventeen years of age and not currently
34 certified as an adult is taken into custody for an offense which would be a felony if committed
35 by an adult, the arresting officer shall take fingerprints for the central repository. These
36 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
37 or transmitted electronically in a format and manner approved by the highway patrol and in
38 compliance with the standards set by the Federal Bureau of Investigation in its Automated
39 Fingerprint Identification System or its successor program. The fingerprint cards shall be so
40 constructed that the name of the juvenile should not be made available to the central
41 repository. The individual's name and the unique number associated with the fingerprints and
42 other pertinent information shall be provided to the court of jurisdiction by the agency taking
43 the juvenile into custody. The juvenile's fingerprints and other information shall be
44 forwarded to the central repository and the courts without undue delay. The fingerprint
45 information from the card shall be captured and stored in the automated fingerprint
46 identification system operated by the central repository. In the event the fingerprints are
47 found to match other tenprints or unsolved latent prints, the central repository shall notify the
48 submitting agency who shall notify the court of jurisdiction as per local agreement. Under

49 section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged
50 to have violated a state or municipal traffic ordinance or regulation, which does not constitute
51 a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be
52 fingerprinted unless certified as an adult.

53 5. Upon certification of the individual as an adult, the certifying court shall order a
54 law enforcement agency to immediately fingerprint and photograph the individual and
55 certification papers will be forwarded to the appropriate law enforcement agency with the
56 order for fingerprinting. The law enforcement agency shall submit such fingerprints,
57 photograph, and certification papers to the central repository within fifteen days and shall
58 furnish the offense cycle number associated with the fingerprints to the prosecuting attorney
59 or the circuit attorney of a city not within a county and to the clerk of the court ordering the
60 subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an
61 adult, the prosecuting attorney shall notify within fifteen days the central repository of the
62 change of status of the juvenile. Records of a child who has been fingerprinted and
63 photographed after being taken into custody shall be closed records as provided under section
64 610.100 if a petition has not been filed within thirty days of the date that the child was taken
65 into custody; and if a petition for the child has not been filed within one year of the date the
66 child was taken into custody, any records relating to the child concerning the alleged offense
67 may be expunged under the procedures in sections 610.122 to 610.126.

68 6. The prosecuting attorney of each county or the circuit attorney of a city not within
69 a county or the municipal prosecuting attorney shall notify the central repository on standard
70 forms supplied by the highway patrol or in a manner approved by the highway patrol of his or
71 her decision to not file a criminal charge on any charge referred to such prosecuting attorney
72 or circuit attorney for criminal charges. All records forwarded to the central repository and
73 the courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall
74 include the state offense cycle number of the offense, the charge code for the offense, and the
75 originating agency identifier number of the reporting prosecutor, using such numbers as
76 assigned by the highway patrol.

77 7. The clerk of the courts of each county or city not within a county or municipal
78 court clerk shall furnish the central repository, on standard forms supplied by the highway
79 patrol or in a manner approved by the highway patrol, with a record of all charges filed,
80 including all those added subsequent to the filing of a criminal court case, amended charges,
81 and all final dispositions of cases for which the central repository has a record of an arrest or a
82 record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall
83 include, for each charge:

84 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
85 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or

86 probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in
87 the trial court;

88 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
89 or vacate or modify a sentence;

90 (3) Judgments terminating or revoking a sentence to probation, supervision or
91 conditional release and any resentencing after such revocation; and

92 (4) The offense cycle number of the offense, and the originating agency identifier
93 number of the sentencing court, using such numbers as assigned by the highway patrol.

94 8. The clerk of the courts of each county or city not within a county shall furnish, to
95 the department of corrections or department of mental health, court judgment and sentence
96 documents and the state offense cycle number and the charge code of the offense which
97 resulted in the commitment or assignment of an offender to the jurisdiction of the department
98 of corrections or the department of mental health if the person is committed pursuant to
99 chapter 552. This information shall be reported to the department of corrections or the
100 department of mental health at the time of commitment or assignment. If the offender was
101 already in the custody of the department of corrections or the department of mental health at
102 the time of such subsequent conviction, the clerk shall furnish notice of such subsequent
103 conviction to the appropriate department by certified mail, return receipt requested, or in a
104 manner and format mutually agreed to, within fifteen days of such disposition.

105 9. Information and fingerprints, photograph and if available, any other unique
106 biometric identification collected, forwarded to the central repository, normally obtained from
107 a person at the time of the arrest, may be obtained at any time the subject is in the criminal
108 justice system or committed to the department of mental health. A law enforcement agency
109 or the department of corrections may fingerprint, photograph, and capture any other unique
110 biometric identification of the person unless collecting other unique biometric identification
111 of the person is not financially feasible for the law enforcement agency, and obtain the
112 necessary information at any time the subject is in custody. If at the time of any court
113 appearance, the defendant has not been fingerprinted and photographed for an offense in
114 which a fingerprint and photograph is required by statute to be collected, maintained, or
115 disseminated by the central repository, the court shall order a law enforcement agency or
116 court marshal to fingerprint and photograph immediately the defendant. The order for
117 fingerprints shall contain the offense, charge code, date of offense, and any other information
118 necessary to complete the fingerprint card. The law enforcement agency or court marshal
119 shall submit such fingerprints, photograph, and if available, any other unique biometric
120 identification collected, to the central repository without undue delay and within thirty days
121 and shall furnish the offense cycle number associated with the fingerprints to the prosecuting

122 attorney or the circuit attorney of a city not within a county and to the court clerk of the court
123 ordering the subject fingerprinted.

124 10. The department of corrections and the department of mental health shall furnish
125 the central repository with all information concerning the receipt, escape, execution, death,
126 release, pardon, parole, commutation of sentence, granting of executive clemency, legal name
127 change, or discharge of an individual who has been sentenced to that department's custody for
128 any offenses which are mandated by law to be collected, maintained or disseminated by the
129 central repository. All records forwarded to the central repository by the department as
130 required by sections 43.500 to ~~[43.651]~~ **43.600** shall include the offense cycle number of the
131 offense, and the originating agency identifier number of the department using such numbers
132 as assigned by the highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500
2 to ~~[43.651]~~ **43.600** include all felonies; class A misdemeanors; all violations for driving under
3 the influence of drugs or alcohol; any offense that can be enhanced to a class A misdemeanor
4 or higher for subsequent violations; and comparable ordinance violations consistent with the
5 reporting standards established by the National Crime Information Center, Federal Bureau of
6 Investigation, for the Federal Interstate Identification Index System; and all cases arising
7 under chapter 566. The following types of offenses shall not be considered reportable for the
8 purposes of sections 57.403, 43.500 to ~~[43.651]~~ **43.600**, and 595.200 to 595.218: nonspecific
9 charges of suspicion or investigation, general traffic violations and all misdemeanor
10 violations of the state wildlife code. All offenses considered reportable shall be reviewed
11 annually and noted in the Missouri charge code manual established in section 43.512. All
12 information collected pursuant to sections 43.500 to ~~[43.651]~~ **43.600** shall be available only
13 as set forth in section 610.120.

14 2. Law enforcement agencies, court clerks, prosecutors and custody agencies may
15 report required information by electronic medium either directly to the central repository or
16 indirectly to the central repository via other criminal justice agency computer systems in the
17 state with the approval of the highway patrol, based upon standards established by the
18 advisory committee.

19 3. In addition to the repository of fingerprint records for individual offenders and
20 applicants, the central repository of criminal history and identification records for the state
21 shall maintain a repository of latent prints, palm prints and other unique biometric
22 identification submitted to the repository.

43.509. The director of the department of public safety shall, in accordance with the
2 provisions of chapter 536, establish such rules and regulations as are necessary to implement
3 the provisions of sections 43.500 to ~~[43.651]~~ **43.600**. All collection and dissemination of
4 criminal history information shall be in compliance with chapter 610 and applicable federal

5 laws or regulations. Such rules shall relate to the collection of criminal history information
6 from or dissemination of such information to criminal justice, noncriminal justice, and private
7 agencies or citizens both in this and other states. No rule or portion of a rule promulgated
8 under the authority of sections 43.500 to ~~[43.651]~~ **43.600** shall become effective unless it has
9 been promulgated pursuant to the provisions of section 536.024.

43.527. For purposes of sections 43.500 to ~~[43.651]~~ **43.600**, all federal and nonstate
2 of Missouri agencies and persons shall pay for criminal records checks, fingerprint searches,
3 and any of the information as defined in subdivision (5) of section 43.500, when such
4 information is not related to the administration of criminal justice. There shall be no charge
5 for information supplied to criminal justice agencies for the administration of criminal justice.
6 For purposes of sections 43.500 to ~~[43.651]~~ **43.600**, the administration of criminal justice is
7 defined in subdivision (1) of section 43.500 and shall be available only as set forth in section
8 610.120.

43.530. 1. For each request requiring the payment of a fee received by the central
2 repository, the requesting entity shall pay a fee of not more than nine dollars per request for
3 criminal history record information not based on a fingerprint search. In each year beginning
4 on or after January 1, 2010, the superintendent may increase the fee paid by requesting
5 entities by an amount not to exceed one dollar per year, however, under no circumstance shall
6 the fee paid by requesting entities exceed fifteen dollars per request.

7 2. For each request requiring the payment of a fee received by the central repository,
8 the requesting entity shall pay a fee of not more than twenty dollars per request for criminal
9 history record information based on a fingerprint search, unless the request is required under
10 the provisions of subdivision (6) of section 210.481, section 210.487, or section 571.101, in
11 which case the fee shall be fourteen dollars.

12 3. A request made under subsections 1 and 2 of this section shall be limited to check
13 and search on one individual. Each request shall be accompanied by a check, warrant,
14 voucher, money order, or electronic payment payable to the state of Missouri-criminal record
15 system or payment shall be made in a manner approved by the highway patrol. The highway
16 patrol may establish procedures for receiving requests for criminal history record information
17 for classification and search for fingerprints, from courts and other entities, and for the
18 payment of such requests. There is hereby established by the treasurer of the state of
19 Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the
20 provisions of section 33.080 to the contrary, if the moneys collected and deposited into this
21 fund are not totally expended annually for the purposes set forth in sections 43.500 to
22 ~~[43.651]~~ **43.600**, the unexpended moneys in such fund shall remain in the fund and the
23 balance shall be kept in the fund to accumulate from year to year.

589.400. 1. **Unless exempt from registering under section 589.401**, sections
2 589.400 to 589.425 shall apply to:

3 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an
4 offense [~~referenced in section 589.414, unless such person is exempt from registering under~~
5 ~~subsection 9 or 10 of this section or section 589.401~~] **that would classify the person as a tier**
6 **I offender, tier II offender, or tier III offender in this state;**

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

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

28 (4) (3) Any person who, since July 1, 1979, has been found not guilty as a result of
29 mental disease or defect of any offense [~~referenced in section 589.414~~] **that would classify**
30 **the person as a tier I offender, tier II offender, or tier III offender;**

31 (5) (4) Any juvenile certified as an adult and transferred to a court of general
32 jurisdiction who has been adjudicated for an offense [~~listed under section 589.414~~] **that**
33 **would classify the juvenile as a tier I offender, tier II offender, or tier III offender;**

34 (6) (5) Any juvenile fourteen years of age or older at the time of the offense who has
35 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse
36 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
37 offense. **Juveniles registering under this subdivision shall be assigned a tier under the**

38 **provisions of section 589.414 and eligible for removal when meeting all other**
39 **qualifications in sections 589.400 to 589.425. The tier assignment under section**
40 **589.414 shall be only for the purposes of registration visit frequency and removal**
41 **eligibility and shall not otherwise affect the analysis of whether registration is required**
42 **under this section;**

43 ~~[(7)]~~ **(6)** Any person who is a resident of this state who has, since July 1, 1979, been
44 or is hereafter adjudicated in any other state, territory, the District of Columbia, or foreign
45 country, or under federal, tribal, or military jurisdiction for an offense which, if committed in
46 this state, would constitute an offense ~~[listed under section 589.414]~~ **that would classify the**
47 **person as a tier I offender, tier II offender, or tier III offender,** or has been or is required
48 to register in another state, territory, the District of Columbia, or foreign country, or has been
49 or is required to register under tribal, federal, or military law. **Persons registering under**
50 **this subdivision shall be assigned a tier under the provisions of section 589.414 and**
51 **eligible for removal when meeting all other qualifications in sections 589.400 to 589.425.**
52 **The tier assignment under section 589.414 shall be only for the purposes of registration**
53 **visit frequency and removal eligibility and shall not otherwise affect the analysis of**
54 **whether registration is required under this section; or**

55 ~~[(8)]~~ **(7)** Any person who has been or is required to register in another state, territory,
56 the District of Columbia, or foreign country, or has been or is required to register under tribal,
57 federal, or military law and who works or attends an educational institution, whether public or
58 private in nature, including any secondary school, trade school, professional school, or
59 institution of higher education on a full-time or on a part-time basis or has a temporary
60 residence in Missouri. ~~["Part-time" in this subdivision means for more than seven days in any~~
61 ~~twelve-month period.]~~ **Persons registering under this subdivision shall be assigned a tier**
62 **under the provisions of section 589.414 and eligible for removal when meeting all other**
63 **qualifications in sections 589.400 to 589.425. The tier assignment under section 589.414**
64 **shall be only for the purposes of registration visit frequency and removal eligibility and**
65 **shall not otherwise affect the analysis of whether registration is required under this**
66 **section.**

67 2. Any person **or juvenile** to whom sections 589.400 to 589.425 apply shall, within
68 three business days of adjudication, release from incarceration, ~~[or]~~ placement upon
69 probation, **release from commitment to the division of youth services, release from the**
70 **department of mental health, or release from other placement,** register with the ~~[chief law~~
71 ~~enforcement]~~ **registration** official of the county or city not within a county in which such
72 person **or juvenile** resides unless such person has already registered in that county for the
73 same offense. ~~[For any juvenile under subdivision (6) of subsection 1 of this section, within~~
74 ~~three business days of adjudication or release from commitment to the division of youth~~

75 services, the department of mental health, or other placement, such juvenile shall register with
76 the chief law enforcement official of the county or city not within a county in which he or she
77 resides unless he or she has already registered in such county or city not within a county for
78 the same offense.] Any person **or juvenile** to whom sections 589.400 to 589.425 apply if not
79 currently registered in their county of residence shall register with the [~~chief law~~
80 ~~enforcement~~] **registration** official [~~of such county or city not within a county~~] within three
81 business days. The [~~chief law enforcement~~] **registration** official shall forward a copy of the
82 registration form required by section 589.407 to a city, town, village, or campus law
83 enforcement agency located within the county of the [~~chief law enforcement~~] **registration**
84 official.

85 3. [~~The registration requirements of sections 589.400 through 589.425 shall be as~~
86 ~~provided under subsection 4 of this section unless:~~

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

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

90 (3) ~~The court orders the removal or exemption of such person from the registry under~~
91 ~~section 589.401.~~

92 4.] The registration requirements shall be as follows:

93 (1) Fifteen years if the offender is a tier I [~~sex~~] offender [~~as provided under section~~
94 ~~589.414~~];

95 (2) Twenty-five years if the offender is a tier II [~~sex~~] offender [~~as provided under~~
96 ~~section 589.414~~]; or

97 (3) The life of the offender if the offender is a tier III [~~sex~~] offender.

98 [~~5.~~] 4. (1) The registration period shall be reduced as described in subdivision (3) of
99 this subsection for a sex offender who maintains a clean record for the periods described
100 under subdivision (2) of this subsection by:

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

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

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

106 (d) Successfully completing an appropriate sex offender treatment program certified
107 by a **jurisdiction or the attorney general, regardless of whether such program was court**
108 **ordered or voluntary. If records of program completion are unavailable and completion**
109 **of such program was required as a term of probation, an order discharging the offender**
110 **from probation or other record acknowledging satisfactory completion of probation**

111 **shall constitute prima facie evidence that the offender successfully completed the**
112 **necessary sex offender treatment program unless rebutted by evidence to the contrary.**

113 (2) In the case of a:

114 (a) Tier I [~~sex~~] offender, the period during which the clean record shall be maintained
115 is ten years;

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

119 (3) In the case of a:

120 (a) Tier I [~~sex~~] offender, the reduction is five years;

121 (b) Tier III [~~sex~~] offender adjudicated delinquent, the reduction is from life to that
122 period for which the clean record under paragraph (b) of subdivision (2) of this subsection is
123 maintained.

124 ~~[6.]~~ **5.** For processing an initial sex offender registration, the [~~chief law enforcement~~
125 ~~officer of the county or city not within a county]~~ **registration official** may charge the offender
126 registering a fee of up to ten dollars.

127 ~~[7.]~~ **6.** For processing any change in registration required pursuant to section 589.414,
128 the [~~chief law enforcement]~~ **registration official** [~~of the county or city not within a county]~~
129 may charge the person changing their registration a fee of five dollars for each change made
130 after the initial registration.

131 ~~[8.]~~ Any person currently on the sexual offender registry or who otherwise would be
132 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
133 nature when the victim was a child and he or she was the parent or guardian of the child,
134 nonsexual child abuse that was committed under section 568.060, or kidnapping of a
135 nonsexual nature when the victim was a child and he or she was the parent or guardian of the
136 child shall be removed from the registry. However, such person shall remain on the sexual
137 offender registry for any other offense for which he or she is required to register under
138 sections 589.400 to 589.425.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

167 **7. Any person with a primary residence outside this state who has a temporary**
168 **residence in this state in which he or she resides for more than a part-time period shall**
169 **register with the registration official in the jurisdiction of the temporary residence in**
170 **accordance with this section for the duration of such person's temporary residency.**

171 ~~[11.]~~ **8. Any [nonresident worker] person who is not a resident of this state and not**
172 **currently registered due to temporary residence under subsection 7 of this section and**
173 **who works**, including work as a volunteer or intern, or **is a nonresident student shall register**
174 **for the duration of such person's employment, including participation as a volunteer or intern,**
175 **or attendance at any school of higher education, whether public or private, including any**
176 **secondary school, trade school, professional school, or institution of higher education on a**
177 **full-time or part-time basis [in this state unless granted relief under section 589.401. Any**
178 **registered offender shall provide information regarding any place in which the offender is**
179 **staying when away from his or her residence for seven or more days, including the period of**
180 **time the offender is staying in such place. Any registered offender from another state who**
181 **has a temporary residence in this state and resides more than seven days in a twelve-month**
182 **period shall register for the duration of such person's temporary residency unless granted**
183 **relief under section 589.401], as long as the status requiring registration remains active.**
184 **Such registration shall occur in the county or city not within a county where the status**

185 **requiring registration occurs. If more than one county or city not within a county meets**
186 **the requirement, priority shall be in the following order:**

187 **(1) The county of work;**

188 **(2) The county of school; and**

189 **(3) The county of volunteering or any other required status,**

190

191 **with registration being required at only the highest priority county or city not within a**
192 **county where the registerable status remains.**

589.401. 1. A person on the sexual offender registry **of this state** may file a petition
2 in the division of the circuit court in the county or city not within a county in which the
3 offense requiring registration was ~~[committed]~~ **adjudicated** to have his or her name
4 **exempted or** removed from the sexual offender registry **in accordance with this section.**

5 **2. (1)** 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, **termination, or**
7 **relief from registration, or the declaratory judgment providing for removal,**
8 **termination, or relief from registration** according to the laws of the state, **federal,**
9 territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which
10 his or her offense was adjudicated. Upon ~~[the grant of the petition for removal in the]~~ **entry**
11 **of a judgment by a court of competent jurisdiction** ~~[where the offense was adjudicated]~~
12 **providing that the person is no longer required to register as a sex offender under the**
13 **laws of the adjudicating jurisdiction,** such judgment may be registered in this state by
14 sending the information required under subsection 5 of this section as well as one
15 authenticated copy of the order granting removal from the sexual offender registry in the
16 jurisdiction where the offense was adjudicated to the court in the county or city not within a
17 county in which the offender is required to register. On receipt of a request for registration
18 removal, the registering court shall cause the order to be filed as a foreign judgment, together
19 with one copy of the documents and information, regardless of their form. The petitioner
20 shall be responsible for costs associated with filing the petition. **Nothing in this subdivision**
21 **shall be construed to remove any requirements for a petition under this section or to**
22 **remove the requirement that a person prove he or she is entitled to removal under**
23 **Missouri law, when applicable.**

24 **(2)** A person required to register as an offender in this state based solely on an
25 offense adjudicated in another jurisdiction may file a petition for removal from this
26 state's sexual offender registry, provided that:

27 **(a)** The offense did not require the person to register as an offender in the
28 **adjudicating jurisdiction at the time the offense was adjudicated; or**

29 **(b) The person never resided, worked, or attended school in the adjudicating**
30 **jurisdiction and was never required to register in the adjudicating jurisdiction.**

31 **(3) A petition filed under subdivision (2) of this subsection shall otherwise satisfy**
32 **the requirements applicable to a petition filed under subdivision (1) of this subsection.**

33 3. A person required to register as a tier III offender shall not file a petition under this
34 section unless the requirement to register results from a juvenile adjudication.

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

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

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

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

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

43 (1) The petitioner's:

44 (a) Full name, including any alias used by the ~~[individual]~~ **petitioner**;

45 (b) Sex;

46 (c) Race;

47 (d) Date of birth;

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

49 (f) Address; and

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

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

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

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

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

56 (6) Petitioner's **original** fingerprints on an applicant fingerprint card;

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

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

62 6. The petition shall name as respondents the Missouri state highway patrol and the
63 ~~[chief law enforcement]~~ **registration** official in the county or city not within a county in
64 which the petition is filed.

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

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

73 9. The **Missouri state highway patrol, the** prosecuting attorney in the circuit court in
74 which the petition is filed, **and the petitioner** shall have access to all applicable records
75 concerning the petitioner including, but not limited to, criminal history records, mental health
76 records, juvenile records, and records of the department of corrections or probation and
77 parole.

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

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

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

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

90 (3) Has successfully completed any required periods of supervised release, probation,
91 or parole without revocation since the date the offender was required to register for his or her
92 current tier level, **or, in the case of lifetime supervision or probation, such term has been**
93 **reduced or terminated by a court of competent jurisdiction;**

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

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

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

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

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

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

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

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

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

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

118 15. **(1) Except as provided in subdivision (2) of this subsection,** if the petition is
119 denied for reasons other than those outlined in subsection 11 of this section, no successive
120 petition requesting such relief shall be filed for at least five years from the date the judgment
121 denying relief is entered.

122 **(2) If the denial was based on a statute or law that has since been amended,**
123 **repealed, or invalidated, a person may file a new petition within the five-year period. In**
124 **addition to the requirements under subsection 5 of this section, the new petition shall**
125 **include the case number and court of the prior petition and identify the applicable**
126 **change in the statute or law.**

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

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

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

137 **19. (1) The provisions of subsections 3 and 4 of this section shall not apply to**
138 **persons filing for exemption pursuant to this subsection.**

139 **(2) Except as provided in this subsection, a petition for exemption shall be**
140 **governed by the other requirements provided in this section.**

141 **(3) A petition for exemption under this subsection shall be the exclusive remedy**
142 **for adjudicating the applicability of the exemptions in this subsection.**

143 **(4) A person shall be ordered exempt from registration if the person meets the**
144 **requirements of this section and the offense requiring registration is:**

145 **(a) Sexual conduct where no force or threat of force was directed toward the**
146 **victim, the victim was at least fourteen years of age, and the person was not more than**
147 **four years older than the victim at the time of the offense, unless the victim was under**
148 **the custodial authority of the offender at the time of the offense;**

149 **(b) Sexual conduct where no force or threat of force was directed toward the**
150 **victim or any other individual involved if the victim or other individual was eighteen**
151 **years of age or older, unless the victim was under the custodial authority of the offender**
152 **at the time of the offense;**

153 **(c) Promoting obscenity in the first degree under section 573.020;**

154 **(d) Promoting obscenity in the second degree under section 573.030;**

155 **(e) Furnishing pornographic materials to minors under section 573.040;**

156 **(f) Public display of explicit sexual material under section 573.060; or**

157 **(g) Coercing acceptance of obscene material under section 573.065.**

158 **(5) The person shall have the burden of proving the person meets the**
159 **requirements for exemption. In determining whether the person meets the**
160 **requirements, a court may look beyond the offense of conviction and consider the**
161 **underlying facts and conduct of the offense when evaluating noncategorical exemptions.**

162 **(6) If a court determines a person to be exempt, the provisions of sections**
163 **589.400 to 589.425 shall not apply for the purposes of the exempt offense. In the event a**
164 **person currently registering is found to be exempt from the registration visit**
165 **requirements, the person shall also be removed from the sexual offender registry.**

166 **(7) Nothing in this subsection shall prohibit a person from remaining or being**
167 **placed on the sexual offender registry for any other nonexempt offense for which the**
168 **person is required to register under sections 589.400 to 589.425.**

169 **(8) If a petition for exemption is filed before a person is required to register**
170 **under sections 589.400 to 589.425, the requirements of sections 589.400 to 589.425 shall**
171 **be automatically stayed pending the outcome. In the event a petition is denied, the**
172 **requirements of sections 589.400 to 589.425 shall be in effect three business days**
173 **following the exhaustion of all appeal rights. Nothing in this subdivision shall alter or be**

174 **construed to give any court authority to alter ongoing requirements for persons whose**
175 **initial registration requirement begins prior to the filing of a petition for exemption until**
176 **a final order of exemption is entered.**

177 **20. The provisions of subsections 3 and 4 of this section shall not apply to**
178 **persons filing for removal if the offense requiring registration is reversed, vacated, or set**
179 **aside. A petition for removal due to the offense being reversed, vacated, or set aside**
180 **shall be filed in accordance with all other requirements of this section and shall be the**
181 **exclusive remedy for removal in such situations. Such petition shall include a certified**
182 **copy of the action reversing, vacating, or setting aside the offense requiring registration.**

183 **21. This section shall be the sole remedy for removal or exemption for persons**
184 **adjudicated of a registerable offense. No declaratory action shall be filed for relief from**
185 **registration requirements, except if registration, or threat thereof, is the result of an**
186 **offense never requiring registration. Nothing in this subsection shall be construed to**
187 **prohibit the filing of a declaratory action solely on the issue of what tier an offender**
188 **should be classified under.**

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]~~ **report** the offender's **initial** registration~~[-]~~
12 **notification in accordance with subsection 1 of section 589.410** within three business days
13 of release~~[-]~~ to the Missouri state highway patrol and the ~~[chief law enforcement]~~ **registration**
14 official of the county or city not within a county where the person expects to reside upon
15 discharge, parole, or release; 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]~~ **report** the
22 offender's **initial** registration~~[-]~~ **notification in accordance with subsection 1 of section**

23 **589.410** within three business days of release[5] to the Missouri state highway patrol and the
24 [~~chief law enforcement~~] **registration** official [~~within~~] **of** the county or city not within a
25 county where the correctional facility, private jail, or mental health institution is located.

26 2. If the offender refuses to complete and sign the registration information as outlined
27 in this section or fails to register with the [~~chief law enforcement~~] **registration** official within
28 three business days as directed, the offender commits the offense of failure to register under
29 section 589.425 within the jurisdiction where the correctional facility, private jail, or mental
30 health institution is located.

589.404. As used in sections 589.400 to 589.425, the following terms mean:

2 (1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt,
3 plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere
4 to committing, attempting to commit, or conspiring to commit. **Adjudication does not**
5 **require the imposition of sentence for the purposes of sections 589.400 to 589.425. The**
6 **term "adjudication" shall include by reference all acts meeting the definition of**
7 **"conviction" under Section 111 of the Sex Offender Registration and Notification Act,**
8 **Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as**
9 **amended;**

10 (2) "Adjudicated delinquent", a person found to have committed an offense that, if
11 committed by an adult, would be a criminal offense;

12 (3) "Chief law enforcement official", the sheriff's office of each county or the police
13 department of a city not within a county;

14 (4) "Electronic mail", **the transmission of information or communication by the**
15 **use of the internet, a computer, a facsimile machine, a pager, a cellular telephone or**
16 **other wireless communication device, a video recorder, or other electronic means sent to**
17 **a person identified by a unique address or address number and received by that person;**

18 (5) "Entity", **a business or organization that provides internet service, electronic**
19 **communications service, remote computing service, online service, electronic mail**
20 **service, or electronic instant message or chat services regardless of whether the business**
21 **or organization is within or outside this state;**

22 (6) "Instant message", **a form of real-time text communication between two or**
23 **more people. The communication is conveyed via computers connected over a network**
24 **such as the internet, or between cell phone or wireless communication device users, or**
25 **over a cell phone or wireless communication device network;**

26 (7) "Offender registration", the required minimum informational content of sex
27 offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a
28 standard sex offender registration card upon initial registration in Missouri, as well as all

29 other forms **and in whatever manner** required by the Missouri state highway patrol upon
30 each initial and subsequent registration;

31 ~~[(5)]~~ **(8) "Online identifier", includes all of the following: electronic mail**
32 **address, instant message screen name, user ID, cell phone number or wireless**
33 **communication device number or identifier, chat or other internet communication**
34 **name, social media profiles, IP addresses, or other identity information specified on the**
35 **registration form by the Missouri state highway patrol;**

36 **(9) "Part-time", more than seven days in any twelve-month period;**

37 **(10) "Probation officer", includes any agent of a private entity assigned to**
38 **provide probation supervision services to an offender due to the offender's status as a**
39 **sexual offender who is required to register pursuant to sections 589.400 to 589.425;**

40 **(11) "Registration official", the chief law enforcement official for the county or**
41 **city not within a county in which the offender is required to register;**

42 **(12) "Residence",** ~~[any place where an offender sleeps for seven or more consecutive~~
43 ~~or noneonsecutive days or nights within a twelve-month period]~~ **the domicile of the**
44 **offender;**

45 ~~[(6)]~~ **(13) "Sex offender", any person who meets the criteria to register under sections**
46 **589.400 to 589.425 or under the Sex Offender Registration and Notification Act, Title I of**
47 **the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;**

48 ~~[(7)]~~ **(14) "Sex offender registry", a system maintained by the Missouri state**
49 **highway patrol to collect, store, and disseminate all initial notification information,**
50 **registration information, offender status, and all other information required under**
51 **sections 589.400 to 589.425. The sex offender registry is a distinct system from the**
52 **website maintained by the Missouri state highway patrol, which displays a distinct set of**
53 **information contained within the sex offender registry publicly on the web in**
54 **accordance with this section;**

55 **(15) "Sex offense", any offense** ~~[which] that is listed [under section 589.414 or~~
56 ~~comparable to those listed under section 589.414 or otherwise]~~ **as a tier I offense, tier II**
57 **offense, or tier III offense, that is comparable to offenses listed as a tier I offense, tier II**
58 **offense, or tier III offense, or that is otherwise comparable to offenses covered under the**
59 **Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection**
60 **and Safety Act of 2006, P.L. 109-248, as amended;**

61 ~~[(8)]~~ **(16) "Sexual act", any type or degree of genital, oral, or anal penetration;**

62 ~~[(9)]~~ **(17) "Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual**
63 **contact;**

64 ~~[(10)]~~ **(18) "Sexual contact", any touching of another person with the genitals or any**
65 **touching of the genitals or anus of another person, or the breast of a female person, or such**

66 touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come
67 into contact with another person, for the purpose of arousing or gratifying the sexual desire of
68 any person or for the purpose of terrorizing the victim;

69 ~~[(11)]~~ **(19) "Sexual element"**, used for the purposes of distinguishing if sexual contact
70 or a sexual act was committed. Authorities shall refer to information filed by the prosecutor,
71 amended information filed by the prosecutor, indictment information filed by the prosecutor,
72 or amended indictment information filed by the prosecutor, the plea agreement, or court
73 documentation to determine if a sexual element exists;

74 ~~[(12)]~~ **(20) "Signature"**, the name of the offender signed in writing or electronic form
75 approved by the Missouri state highway patrol;

76 ~~[(13)]~~ **(21) "Student"**, an individual who enrolls in or attends the physical location of
77 an educational institution, including a public or private secondary school, trade or
78 professional school, or an institution of higher education;

79 ~~[(14)]~~ **(22) "Temporary residence"**, any place where a person sleeps for seven or
80 more consecutive or nonconsecutive days or nights within a twelve-month period, other
81 than the person's domicile;

82 **(23) "Tier I offender":**

83 **(a) An individual who has been adjudicated for a tier I offense; or**

84 **(b) Any offender who is or has been adjudicated in any other state, territory, the**
85 **District of Columbia, or foreign country, or under federal, tribal, or military**
86 **jurisdiction for an offense comparable to a tier I offense or that meets the definition**
87 **of a tier I offense under the Sex Offender Registration and Notification Act, Title I of the**
88 **Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;**

89 **(24) "Tier II offender":**

90 **(a) An individual who has been adjudicated for a tier II offense; or**

91 **(b) Any offender who is adjudicated for an offense comparable to a tier I offense**
92 **or failure to register offense under section 589.425 or comparable out-of-state failure to**
93 **register offense and who is already required to register as a tier I offender due to having**
94 **been adjudicated of a tier I offense on a previous occasion; or**

95 **(c) Any offender who is or has been adjudicated in any other state, territory, the**
96 **District of Columbia, or foreign country, or under federal, tribal, or military**
97 **jurisdiction for an offense of a sexual nature or with a sexual element that is**
98 **comparable to a tier II offense or that meets the definition of a tier II offense under the**
99 **Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child**
100 **Protection and Safety Act of 2006, P.L. 109-248, as amended;**

101 **(25) "Tier III offender":**

102 **(a) An individual who has been adjudicated for a tier III offense;**

103 **(b) Any offender registered as a predatory sexual offender or a persistent sexual**
104 **offender, as the terms "predatory sexual offender" and "persistent sexual offender" are**
105 **defined in section 566.125;**

106 **(c) Any offender who is adjudicated for an offense comparable to a tier I offense**
107 **or tier II offense or failure to register offense under section 589.425, or other**
108 **comparable out-of-state failure to register offense, who has been or is already required**
109 **to register as a tier II offender because of having been adjudicated for a tier II offense,**
110 **two tier I offenses, or a combination of a tier I offense and a failure to register offense,**
111 **on a previous occasion;**

112 **(d) Any offender who is adjudicated in any other state, territory, the District of**
113 **Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an**
114 **offense of a sexual nature or with a sexual element that is comparable to a tier III**
115 **offense or that meets the definition of a tier III offense under the Sex Offender**
116 **Registration and Notification Act, Title I of the Adam Walsh Child Protection and**
117 **Safety Act of 2006, P.L. 109-248, as amended; or**

118 **(e) Any offender who is adjudicated in this state for any offense of a sexual**
119 **nature or with a sexual element requiring registration under sections 589.400 to 589.425**
120 **that is not classified as a tier I offense or tier II offense in this section;**

121 **(26) "Tier I offense", the following adjudicated offenses:**

122 **(a) Kidnapping in the first degree under section 565.110 with sexual motivation**
123 **if the victim is eighteen years of age or older;**

124 **(b) Kidnapping in the second degree under section 565.120 with sexual**
125 **motivation if the victim is eighteen years of age or older;**

126 **(c) Kidnapping in the third degree under section 565.130 with sexual motivation**
127 **if the victim is eighteen years of age or older;**

128 **(d) Invasion of privacy under section 565.252 if the victim is less than eighteen**
129 **years of age;**

130 **(e) Child molestation in the second degree under section 566.068 as it existed**
131 **prior to January 1, 2017, if the punishment is less than one year;**

132 **(f) Sexual misconduct involving a child under section 566.083 if it is a first**
133 **offense and the punishment is less than one year;**

134 **(g) Sexual misconduct in the first degree under section 566.093;**

135 **(h) Sexual misconduct in the second degree under section 566.095;**

136 **(i) Sexual abuse in the first degree under section 566.100 if the victim is eighteen**
137 **years of age or older;**

138 **(j) Sexual abuse in the second degree under section 566.101 if the punishment is**
139 **less than a year;**

- 140 **(k) Sex with an animal under section 566.111;**
141 **(l) Sexual conduct with a nursing facility resident or vulnerable person in the**
142 **first degree under section 566.115 if the punishment is less than one year;**
143 **(m) Sexual conduct under section 566.116 with a nursing facility resident or**
144 **vulnerable person;**
145 **(n) Sexual conduct in the course of public duty under section 566.145 if the**
146 **victim is eighteen years of age or older;**
147 **(o) Trafficking for the purpose of sexual exploitation under section 566.209 if the**
148 **victim is eighteen years of age or older;**
149 **(p) Promoting obscenity in the first degree under section 573.020 if the victim is**
150 **less than eighteen years of age;**
151 **(q) Promoting pornography for minors or obscenity in the second degree under**
152 **section 573.030 if the victim is less than eighteen years of age;**
153 **(r) Possession of child pornography under section 573.037;**
154 **(s) Furnishing pornographic material to minors under section 573.040;**
155 **(t) Public display of explicit sexual material under section 573.060 if the victim is**
156 **less than eighteen years of age; or**
157 **(u) Coercing acceptance of obscene material under section 573.065 if the victim**
158 **is less than eighteen years of age;**
159 **(27) "Tier II offense", the following adjudicated offenses:**
160 **(a) Statutory sodomy in the second degree under section 566.064 if the victim is**
161 **sixteen to seventeen years of age;**
162 **(b) Child molestation in the third degree under section 566.069 if the victim is**
163 **between thirteen and fourteen years of age;**
164 **(c) Child molestation in the fourth degree under section 566.071 if the victim is**
165 **thirteen to seventeen years of age;**
166 **(d) Sexual misconduct involving a child under section 566.083 if it is a first**
167 **offense and the penalty is a term of imprisonment of one year or more;**
168 **(e) Sexual contact with a student under section 566.086 if the victim is thirteen to**
169 **seventeen years of age;**
170 **(f) Sexual abuse in the first degree under section 566.100 if the victim is thirteen**
171 **to seventeen years of age;**
172 **(g) Sexual conduct in the course of public duty under section 566.145 if the**
173 **victim is thirteen to seventeen years of age;**
174 **(h) Enticement of a child under section 566.151;**
175 **(i) Age misrepresentation with intent to solicit a minor under section 566.153;**

- 176 **(j) Patronizing prostitution under section 567.030 if the person patronized is**
177 **eighteen years of age or older;**
- 178 **(k) Promoting prostitution in the first degree under section 567.050 if the victim**
179 **is eighteen years of age or older;**
- 180 **(l) Promoting prostitution in the second degree under section 567.060 if the**
181 **victim is eighteen years of age or older;**
- 182 **(m) Promoting prostitution in the third degree under section 567.070 if the**
183 **victim is eighteen years of age or older;**
- 184 **(n) Abuse of a child under section 568.060 if the offense is of a sexual nature and**
185 **the victim is thirteen to seventeen years of age;**
- 186 **(o) Sexual exploitation of a minor under section 573.023;**
- 187 **(p) Promoting child pornography in the first degree under section 573.025; or**
188 **(q) Promoting child pornography in the second degree under section 573.035;**
189 **(28) "Tier III offense", the following adjudicated offenses:**
- 190 **(a) Kidnapping in the first degree under section 565.110 if the victim is under**
191 **eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual**
192 **nature;**
- 193 **(b) Kidnapping in the second degree under section 565.120 if the victim is under**
194 **eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual**
195 **nature;**
- 196 **(c) Kidnapping in the third degree under section 565.130 if the victim is under**
197 **eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual**
198 **nature;**
- 199 **(d) Child kidnapping under section 565.115;**
- 200 **(e) Rape in the first degree under section 566.030;**
- 201 **(f) Rape in the second degree under section 566.031;**
- 202 **(g) Statutory rape in the first degree under section 566.032;**
- 203 **(h) Statutory rape in the second degree under section 566.034;**
- 204 **(i) Sodomy in the first degree under section 566.060;**
- 205 **(j) Sodomy in the second degree under section 566.061;**
- 206 **(k) Statutory sodomy in the first degree under section 566.062;**
- 207 **(l) Statutory sodomy in the second degree under section 566.064 if the victim is**
208 **under sixteen years of age;**
- 209 **(m) Child molestation in the first degree under section 566.067;**
- 210 **(n) Child molestation in the second degree under section 566.068;**
- 211 **(o) Child molestation in the third degree under section 566.069 if the victim is**
212 **under thirteen years of age;**

- 213 **(p) Child molestation in the fourth degree under section 566.071 if the victim is**
214 **under thirteen years of age;**
- 215 **(q) Sexual misconduct involving a child under section 566.083 if the offense is a**
216 **second or subsequent offense;**
- 217 **(r) Sexual contact with a student under section 566.086 if the victim is under**
218 **thirteen years of age;**
- 219 **(s) Sexual abuse in the first degree under section 566.100 if the victim is under**
220 **thirteen years of age;**
- 221 **(t) Sexual abuse in the second degree under section 566.101 if the penalty is a**
222 **term of imprisonment of one year or more;**
- 223 **(u) Sexual conduct with a nursing facility resident or vulnerable person in the**
224 **first degree under section 566.115 if the punishment is one year or more;**
- 225 **(v) Sexual conduct in the course of public duty under section 566.145 if the**
226 **victim is under thirteen years of age;**
- 227 **(w) Trafficking for the purpose of sexual exploitation under section 566.209 if**
228 **the victim is under eighteen years of age;**
- 229 **(x) Sexual trafficking of a child in the first degree under section 566.210;**
- 230 **(y) Sexual trafficking of a child in the second degree under section 566.211;**
- 231 **(z) Patronizing prostitution under section 567.030 if the offender is a persistent**
232 **offender or if the person patronized is less than eighteen years of age;**
- 233 **(aa) Promoting prostitution in the first degree under section 567.050 if the victim**
234 **is under eighteen years of age;**
- 235 **(bb) Promoting prostitution in the second degree under section 567.060 if the**
236 **victim is under eighteen years of age;**
- 237 **(cc) Promoting prostitution in the third degree under section 567.070 if the**
238 **victim is under eighteen years of age;**
- 239 **(dd) Promoting travel for prostitution under section 567.085 if the victim is**
240 **under eighteen years of age;**
- 241 **(ee) Incest under section 568.020;**
- 242 **(ff) Endangering the welfare of a child in the first degree under section 568.045 if**
243 **the offense is sexual in nature;**
- 244 **(gg) Endangering the welfare of a child in the first degree under**
245 **section 568.045 with sexual intercourse or deviate sexual intercourse with a victim**
246 **under eighteen years of age;**
- 247 **(hh) Abuse of a child under section 568.060 if the offense is of a sexual nature**
248 **and the victim is under thirteen years of age;**
- 249 **(ii) Genital mutilation of a female child under section 568.065;**

- 250 **(jj) Use of a child in a sexual performance under section 573.200; or**
251 **(kk) Promoting a sexual performance by a child under section 573.205;**
252 **(29) "Vehicle", any land vehicle, watercraft, or aircraft.**

589.405. 1. Any person who is required to register under sections 589.400 to 589.425 and who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge and at the time of adjudication, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 and is placed on probation, the court shall make it a condition of probation that the offender report within three business days to the ~~chief law enforcement~~ **registration** official of the county of adjudication or city not within a county of adjudication to complete initial registration. If such offender is not placed on probation, the court shall:

(1) If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the ~~chief law enforcement~~ **registration** official in the county or city not within a county in which the offender resides; or

(2) If the offender does not reside in Missouri:

(a) Order the offender to report directly to the ~~chief law enforcement~~ **registration** official in the county or city not within a county where the adjudication was heard to register as provided in sections 589.400 to 589.425; and

(b) Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the ~~chief law enforcement~~ **registration** official in the county or city not within a county where the offender was adjudicated.

2. If the offender resides in Missouri and refuses to complete and sign the registration information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides outside of Missouri and refuses to directly report to the ~~chief law enforcement~~ **registration** official as provided in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to register under section 589.425.

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol or other format approved by the Missouri state highway patrol. Such form shall consist of a statement, including the signature of the offender, and shall include, but is not limited to, the following:

6 (1) A statement in writing signed by the person, giving the name, address, date of
7 birth, Social Security number, and phone number of the person, the license plate number and
8 vehicle description, including the year, make, model, and color of each vehicle owned or
9 operated by the offender, any online identifiers~~[, as defined in section 43.651,]~~ used by the
10 person, the place of employment of such person, enrollment within any institutions of higher
11 education, the crime which requires registration, whether the person was sentenced as a
12 persistent or predatory offender pursuant to section 566.125, the date, place, and a brief
13 description of such crime, the date and place of the conviction or plea regarding such crime,
14 the age and gender of the victim at the time of the offense and whether the person successfully
15 completed the Missouri sexual offender program pursuant to section 589.040, if applicable;

16 (2) The fingerprints and palm prints of the person;

17 (3) Unless the offender's appearance has not changed significantly, a photograph of
18 such offender as follows:

19 (a) Quarterly if a tier III sex offender ~~[under section 589.414]~~. Such photograph shall
20 be taken every ninety days beginning in the month of the person's birth;

21 (b) Semiannually if a tier II sex offender. Such photograph shall be taken in the
22 month of the person's birth and six months thereafter; and

23 (c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the
24 person's birth; ~~and]~~

25 (4) A DNA sample from the individual, if a sample has not already been obtained;
26 **and**

27 **(5) Information regarding any temporary residence where the offender is**
28 **staying away from his or her primary residence for seven or more days, including the**
29 **period of time the offender is staying in such place, regardless of whether the temporary**
30 **residence is in Missouri or any other place.**

31 2. The offender shall provide positive identification and documentation to
32 substantiate the accuracy of the information completed on the offender registration form,
33 including but not limited to the following:

34 (1) A photocopy of a valid driver's license or nondriver's identification card;

35 (2) A document verifying proof of the offender's residency; and

36 (3) A photocopy of the vehicle registration for each of the offender's vehicles.

37 3. The Missouri state highway patrol shall maintain all required registration
38 information in digitized form.

39 4. ~~[Upon receipt of any changes to an offender's registration information contained in~~
40 ~~this section, the Missouri state highway patrol shall immediately notify all other jurisdictions~~
41 ~~in which the offender is either registered or required to register.~~

42 ~~5-~~] The offender shall be responsible for reviewing his or her existing registration
43 information for accuracy at every regular in-person appearance and, if any inaccuracies are
44 found, provide proof of the information in question.

45 **5. (1) Regular in-person appearances to the registration official following initial**
46 **registration shall be required:**

47 **(a) Annually for tier I offenders;**

48 **(b) Every six months for tier II offenders; and**

49 **(c) Every ninety days for tier III offenders.**

50 **(2) For the purposes of establishing a schedule for registration appearances, the**
51 **registration official shall ensure that the required registration interval is followed from**
52 **the date of any initial registration until the month of an offender's birth and at the**
53 **appropriate interval beginning from the month of the offender's birth thereafter.**

54 6. The signed offender registration form shall serve as proof that the individual
55 understands his or her duty to register as a sexual offender under sections 589.400 to 589.425
56 and a statement to this effect shall be included on the form that the individual is required to
57 sign at each registration.

58 **7. If an offender has a guardian appointed by a court of competent jurisdiction,**
59 **the guardian may sign affirming the accuracy of the offender registration form under**
60 **this section. Nothing in this subsection shall alleviate the requirements of the offender to**
61 **appear in person, nor shall this subsection be construed to affect any restrictions**
62 **applicable to an offender because of the offender's status on the sexual offender registry.**

589.410. 1. All notifications of a requirement to register shall be reported to the
2 sex offender registry within three days, in a manner prescribed by the Missouri state
3 highway patrol.

4 2. The ~~[chief law enforcement]~~ registration official shall ~~[forward]~~ enter the
5 completed offender registration ~~[form to]~~ forms and related updates into the sex offender
6 registry in a manner prescribed by the Missouri state highway patrol within three days.
7 The Missouri state highway patrol shall ~~[enter]~~ ensure the information entered into the sex
8 offender registry is accessible through the Missouri uniform law enforcement system
9 (MULES) ~~[where it is]~~ and forwarded to the National Crime Information Center (NCIC)
10 in accordance with applicable law. The information shall also be available to members of
11 the criminal justice system, and other entities as provided by law, upon inquiry. **Certain**
12 **portions of the information shall also be published on the internet in accordance with**
13 **this section.**

~~[43.650.]~~ 589.411. 1. The Missouri state highway patrol shall ~~[subject to~~
2 ~~appropriation,]~~ maintain a web page on the internet which shall be open to the public and
3 shall include a registered sexual offender search capability.

4 2. Except as provided in subsections 4 and 5 of this section, the registered sexual
5 offender search shall make it possible for any person using the internet to search for and find
6 the information specified in subsection 4 of this section, if known, on offenders registered in
7 this state pursuant to sections 589.400 to 589.425.

8 3. The registered sexual offender search shall include the capability to search for
9 sexual offenders by name, zip code, and by typing in an address and specifying a search
10 within a certain number of miles radius from that address.

11 4. Only the information listed in this subsection shall be provided to the public in the
12 registered sexual offender search:

13 (1) The name and any known aliases of the offender;

14 (2) The date of birth and any known alias dates of birth of the offender;

15 (3) A physical description of the offender;

16 (4) The residence, temporary, work, and school addresses of the offender, including
17 the street address, city, county, state, and zip code;

18 (5) Any photographs of the offender;

19 (6) A physical description of the offender's vehicles, including the year, make, model,
20 color, and license plate number;

21 (7) The nature and dates of all offenses qualifying the offender to register, including
22 the tier level assigned to the offender under sections 589.400 to 589.425;

23 (8) The date on which the offender was released from the department of mental
24 health, prison, or jail, or placed on parole, supervised release, or probation for the offenses
25 qualifying the offender to register;

26 (9) Compliance status of the offender with the provisions of section 589.400 to
27 589.425; and

28 (10) Any online identifiers~~[, as defined in section 43.651,]~~ used by the person. Such
29 online identifiers shall not be included in the general profile of an offender on the web page
30 and shall only be available to a member of the public by a search using the specific online
31 identifier to determine if a match exists with a registered offender.

32 5. Juveniles required to register under subdivision ~~[(5)]~~ (4) of subsection 1 of section
33 589.400 shall be exempt from public notification **on the internet** to include any adjudications
34 from another state, territory, the District of Columbia, or foreign country or any federal, tribal,
35 or military jurisdiction.

36 6. **The Missouri state highway patrol shall regularly update the web page to**
37 **remove persons who have been ordered removed or exempt by a court in accordance**
38 **with section 589.401 persons who are deceased and persons who have moved out of the**
39 **state. In the case of a person who has moved out of the state, the entry shall remain until**
40 **the Missouri state highway patrol confirms the person has complied with all registration**

41 requirements in the person's new state, territory, or country of residence, when
42 applicable.

43 7. In addition to the web page maintained by the Missouri state highway patrol,
44 a registration official may maintain a web page on the internet, which shall be open to
45 the public and shall include a registered sexual offender search capability. Except as
46 provided in subsections 5 and 6 of this section, the registered sexual offender search
47 shall make it possible for any person using the internet to search for and find the
48 information specified in subsection 5 of this section, if known, on offenders registered in
49 this state pursuant to sections 589.400 to 589.425. The chief law enforcement officer of
50 any county or city not within a county may also publish in any newspaper distributed in
51 the county or city not within a county the offender information provided under
52 subsection 3 of this section for any offender residing in the county or city not within a
53 county.

~~[43.651.] 589.412. [1. As used in this section, the following terms shall mean:~~

2 ~~(1) "Electronic mail", the transmission of information or communication by the use of~~
3 ~~the internet, a computer, a facsimile machine, a pager, a cellular telephone or other wireless~~
4 ~~communication device, a video recorder, or other electronic means sent to a person identified~~
5 ~~by a unique address or address number and received by that person;~~

6 ~~(2) "Entity", a business or organization that provides internet service, electronic~~
7 ~~communications service, remote computing service, online service, electronic mail service, or~~
8 ~~electronic instant message or chat services whether the business or organization is within or~~
9 ~~outside this state;~~

10 ~~(3) "Instant message", a form of real-time text communication between two or more~~
11 ~~people. The communication is conveyed via computers connected over a network such as the~~
12 ~~internet, or between cell phone or wireless communication device users, or over a cell phone~~
13 ~~or wireless communication device network;~~

14 ~~(4) "Online identifier", includes all of the following: electronic mail address and~~
15 ~~instant message screen name, user ID, cell phone number or wireless communication device~~
16 ~~number or identifier, chat or other internet communication name, or other identity~~
17 ~~information.~~

18 2.] Subject to appropriations, the **Missouri state highway** patrol shall make registry
19 information regarding a registered sexual offender's online identifiers available to an entity
20 for the purpose of allowing the entity to prescreen users or for comparison with information
21 held by the entity as provided by this subsection:

22 (1) The information obtained by an entity from the state sexual offender registry shall
23 not be used for any purpose other than for prescreening its users or comparing the database of
24 registered users of the entity against the list of online identifiers of persons in the state sexual

25 offender registry in order to protect children from online sexual predators. The **Missouri**
26 **state highway** patrol shall promulgate rules and regulations regarding the release and use of
27 online identifier information. Any rule or portion of a rule, as that term is defined in section
28 536.010, that is created under the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
30 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
31 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
33 of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be
34 invalid and void;

35 (2) Any entity desiring to prescreen its users or compare its database of registered
36 users to the list of online identifiers of persons in the state sexual offender registry may apply
37 to the **Missouri state highway** patrol to access the information. An entity that complies with
38 the rules and regulations promulgated by the **Missouri state highway** patrol regarding the
39 release and use of the online identifier information and pays the fee established by the
40 **Missouri state highway** patrol may screen new users or compare its database of registered
41 users to the list of online identifiers of persons in the state sexual offender registry as
42 frequently as the **Missouri state highway** patrol may allow for the purpose of identifying a
43 registered user associated with an online identifier contained in the state sexual offender
44 registry;

45 (3) Any entity complying with this subsection in good faith shall be immune from any
46 civil or criminal liability resulting from:

47 (a) The entity's refusal to provide system service to a person on the basis that the
48 entity believed that the person was required to register under sections 589.400 to 589.425;

49 (b) A person's criminal or tortious acts when the person is required to register
50 pursuant to sections 589.400 to 589.425, and the person complied with the requirement to
51 register their online identifiers under section 589.407, and committed the criminal or tortious
52 acts against a minor with whom he or she had communicated on the entity's system by using
53 their registered online identifier; or

54 (c) Any activity for which the entity would be immune from liability under 47 U.S.C.
55 Section 230.

~~[43-533.]~~ **589.413.** 1. The **Missouri state** highway patrol shall, subject to
2 appropriation, operate a toll-free telephone number in order to disseminate registration
3 information provided by ~~individuals~~ **persons** who are required to register under sections
4 589.400 to 589.425, and receive information from persons regarding the residency of a
5 registered sexual offender. The information available via the telephone number shall include
6 only information that offenders are required to provide under section 589.407. When the

7 **Missouri state** highway patrol provides such information regarding a sexual offender, the
 8 patrol personnel shall advise the person making the inquiry that positive identification of a
 9 person believed to be a sexual offender cannot be established unless a fingerprint comparison
 10 is made, and that it is illegal to use such information regarding a registered sexual offender to
 11 facilitate the commission of a crime. The toll-free telephone number shall be published on
 12 the **Missouri state** highway patrol's sexual offender registry website maintained under
 13 section ~~[43.650]~~ **589.411**.

14 2. The **Missouri state highway** patrol shall promulgate rules to effect the
 15 enforcement of this section. Any rule or portion of a rule, as that term is defined in section
 16 536.010, that is created under the authority delegated in this section shall become effective
 17 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
 18 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
 19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
 20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
 21 of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be
 22 invalid and void.

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]~~ **registration official** if there is a change to any of the
 4 following information:

- 5 (1) Name;
- 6 (2) Residence;
- 7 (3) Employment, including status as a volunteer or intern;
- 8 (4) Student status; or
- 9 (5) A termination to any of the items listed in this subsection.

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

- 13 (1) Vehicle information;
- 14 (2) ~~[Temporary lodging information;~~
- 15 ~~(3)]~~ Temporary residence information;
- 16 ~~[(4) Email addresses, instant messaging addresses, and any other designations used in~~
 17 ~~internet communications, postings, or telephone communications; or~~
- 18 ~~(5)]~~ **(3)** Telephone or other cellular number, including any new forms of electronic
 19 communication; **or**
- 20 **(4) Online identifiers.**

21 3. The ~~[chief law enforcement]~~ **registration** official ~~[in the county or city not within a~~
22 ~~county]~~ shall immediately forward the registration changes described under subsections 1 and
23 2 of this section to the Missouri state highway patrol within three business days **in**
24 **accordance with section 589.410.**

25 4. **(1)** If any person required by sections 589.400 to 589.425 to register changes such
26 person's residence or address to a different county or city not within a county, the person shall
27 appear in person and shall inform both the ~~[chief law enforcement]~~ **registration** official with
28 whom the person last registered and the ~~[chief law enforcement]~~ **registration** official of the
29 county or city not within a county having jurisdiction over the new residence or address in
30 writing within three business days of such new address and phone number, if the phone
31 number is also changed.

32 **(2)** If any person required by sections 589.400 to 589.425 to register changes his or
33 her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military
34 jurisdiction of residence, the person shall appear in person and shall inform both the ~~[chief~~
35 ~~law enforcement]~~ **registration** official with whom the person was last registered and the
36 ~~[chief law enforcement]~~ **registration** official of the area in the new state, territory, the District
37 of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction
38 over the new residence or address within three business days of such new address.

39 **(3)** Whenever a registrant changes residence, the ~~[chief law enforcement]~~
40 **registration** official of the county or city not within a county where the person was
41 previously registered shall inform the Missouri state highway patrol of the change within
42 three business days.

43 **(4)** When the registrant is changing the residence to a new state, territory, the District
44 of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state
45 highway patrol shall inform the responsible official in the new state, territory, the District of
46 Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within
47 three business days.

48 5. **Registrants shall appear in person before the registration official and**
49 **complete all forms required for such purposes by the United States Marshal's Service no**
50 **less than twenty-one days before travel outside of the United States. Such information**
51 **shall be forwarded to the United States Marshal's Service, and a copy shall be provided**
52 **by the registration official to the Missouri state highway patrol in a manner prescribed**
53 **by the Missouri state highway patrol.**

54 6. **Offenders shall be classified as a tier I offender, tier II offender, or tier III**
55 **offender in accordance with this section. To the extent more than one tier definition**
56 **applies to an offender, the highest tier that applies shall be the tier the offender is**
57 **classified into.**

58 **7. The initial determination as to the tier of an offender shall be made by the**
59 **registration official when an offender first appears for registration with the official.**
60 **Upon receipt of an initial offender registration from a new registration official, the**
61 **Missouri state highway patrol shall analyze the initial tier determination for accuracy.**
62 **If the Missouri state highway patrol determines the initial tier decision is inaccurate, the**
63 **Missouri state highway patrol shall notify the registration official, and the Missouri**
64 **state highway patrol's determination shall control the tier classification. Upon receipt of**
65 **an updated tiering decision, the registration official shall notify the offender no later**
66 **than the next previously scheduled in-person check-in for the offender. Upon**
67 **notification of the offender or failure of the offender to appear at the next regularly**
68 **scheduled in-person check, reporting requirements aligning with the new tier**
69 **determination shall be in effect.**

70 **8. Tier I ~~sexual~~ offenders, in addition to the requirements of subsections 1 to [4] 5 of**
71 **this section, shall report in person ~~to~~ before the ~~chief law enforcement~~ registration**
72 **official annually in the month of their birth to verify the information contained in their**
73 **statement made pursuant to section 589.407. ~~[Tier I sexual offenders include:~~**

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

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

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

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

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

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

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

85 ~~(g) Sexual conduct under section 566.116 with a nursing facility resident or~~
86 ~~vulnerable person;~~

87 ~~(h) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~
88 ~~eighteen years of age or older;~~

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

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

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

93 ~~(l) Sexual misconduct in the first degree under section 566.093;~~

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

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

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

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

105 ~~6.] 9. Tier II [sexual] offenders, in addition to the requirements of subsections 1 to [4]~~
106 ~~5 of this section, shall report semiannually in person in the month of their birth and six~~
107 ~~months thereafter to the [chief law enforcement] **registration** official to verify the~~
108 ~~information contained in their statement made pursuant to section 589.407. [Tier II sexual~~
109 ~~offenders include:~~

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

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

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

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

117 ~~(d) Enticement of a child under section 566.151;~~

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

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

121 ~~(g) Promoting child pornography in the first degree under section 573.025;~~

122 ~~(h) Promoting child pornography in the second degree under section 573.035;~~

123 ~~(i) Patronizing prostitution under section 567.030;~~

124 ~~(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~
125 ~~thirteen to seventeen years of age;~~

126 ~~(k) Child molestation in the fourth degree under section 566.071 if the victim is~~
127 ~~thirteen to seventeen years of age;~~

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

130 ~~(m) Age misrepresentation with intent to solicit a minor under section 566.153;~~

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

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

141 ~~7.] 10. Tier III [sexual] offenders, in addition to the requirements of subsections 1 to~~
142 ~~[4] 5 of this section, shall report in person [to] before the [chief law enforcement]~~
143 ~~registration official every ninety days to verify the information contained in their statement~~
144 ~~made under section 589.407. [Tier III sexual offenders include:~~

145 ~~(1) Any offender registered as a predatory sexual offender as defined in section~~
146 ~~566.123 or a persistent sexual offender as defined in section 566.124;~~

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

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

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

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

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

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

154 ~~(f) Statutory sodomy under section 566.062;~~

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

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

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

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

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

164 ~~(l) Child kidnapping under section 565.115;~~

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

167 ~~(n) Incest under section 568.020;~~

168 ~~(o) Endangering the welfare of a child in the first degree under section 568.045 with~~
169 ~~sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;~~
170 ~~(p) Child molestation in the first degree under section 566.067;~~
171 ~~(q) Child molestation in the second degree under section 566.068;~~
172 ~~(r) Child molestation in the third degree under section 566.069 if the victim is under~~
173 ~~thirteen years of age;~~
174 ~~(s) Promoting prostitution in the first degree under section 567.050 if the victim is~~
175 ~~under eighteen years of age;~~
176 ~~(t) Promoting prostitution in the second degree under section 567.060 if the victim is~~
177 ~~under eighteen years of age;~~
178 ~~(u) Promoting prostitution in the third degree under section 567.070 if the victim is~~
179 ~~under eighteen years of age;~~
180 ~~(v) Promoting travel for prostitution under section 567.085 if the victim is under~~
181 ~~eighteen years of age;~~
182 ~~(w) Trafficking for the purpose of sexual exploitation under section 566.209 if the~~
183 ~~victim is under eighteen years of age;~~
184 ~~(x) Sexual trafficking of a child in the first degree under section 566.210;~~
185 ~~(y) Sexual trafficking of a child in the second degree under section 566.211;~~
186 ~~(z) Genital mutilation of a female child under section 568.065;~~
187 ~~(aa) Statutory rape in the second degree under section 566.034;~~
188 ~~(bb) Child molestation in the fourth degree under section 566.071 if the victim is~~
189 ~~under thirteen years of age;~~
190 ~~(cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term~~
191 ~~of imprisonment of more than a year;~~
192 ~~(dd) Patronizing prostitution under section 567.030 if the offender is a persistent~~
193 ~~offender;~~
194 ~~(ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the~~
195 ~~victim is under thirteen years of age;~~
196 ~~(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~
197 ~~under thirteen years of age;~~
198 ~~(gg) Sexual intercourse with a prisoner or offender under section 566.145;~~
199 ~~(hh) Sexual contact with a student under section 566.086 if the victim is under~~
200 ~~thirteen years of age;~~
201 ~~(ii) Use of a child in a sexual performance under section 573.200; or~~
202 ~~(jj) Promoting a sexual performance by a child under section 573.205;~~
203 ~~(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II~~
204 ~~offense listed in this section or failure to register offense under section 589.425, or other~~

205 ~~comparable out-of-state failure to register offense, who has been or is already required to~~
206 ~~register as a tier II offender because of having been adjudicated for a tier II offense, two tier I~~
207 ~~offenses, or combination of a tier I offense and failure to register offense, on a previous~~
208 ~~occasion;~~

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

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

217 ~~8.] 11.~~ In addition to the requirements of subsections 1 to ~~[7]~~ **5 and 8 to 10** of this
218 section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend
219 any school whether public or private, including any secondary school, trade school,
220 professional school, or institution of higher education, on a full-time or part-time basis or
221 have a temporary residence in this state shall be required to report in person ~~[to]~~ **before** the
222 ~~[chief law enforcement officer]~~ **registration official** in the area of the state where they work,
223 including as a volunteer or unpaid intern, or attend any school or training and register in that
224 state. ~~["Part time" in this subsection means for more than seven days in any twelve month~~
225 ~~period.~~

226 ~~9.] 12.~~ If a person who is required to register as a sexual offender under sections
227 589.400 to 589.425 changes or obtains a new online identifier ~~[as defined in section 43.651],~~
228 the person shall report such information in the same manner as a change of residence before
229 using such online identifier.

2 589.415. ~~[+]~~ Any probation officer or parole officer assigned to a sexual offender
3 who is required to register pursuant to sections 589.400 to 589.425 shall notify the
4 appropriate law enforcement officials whenever the **probation officer or parole officer** has
5 reason to believe that the offender will be changing his or her residence. Upon obtaining the
6 new address where the offender expects to reside, the **probation officer or parole officer**
7 shall report such address to the ~~[chief law enforcement]~~ **registration official** with whom the
8 offender last registered and the ~~[chief law enforcement]~~ **registration official** of the county
9 having jurisdiction over the new residence, if different. The **probation officer or parole**
10 **officer** shall also inform the offender of the offender's duty to register. However, nothing in
11 this section shall affect the offender's duty to register, pursuant to sections 589.400 to
589.425.

12 ~~[2. As used in this section, the term "probation officer" includes any agent of a private~~
13 ~~entity assigned to provide probation supervision services to an offender due to the offender's~~
14 ~~status as a sexual offender who is required to register pursuant to sections 589.400 to~~
15 ~~589.425.]~~

589.417. 1. Except for the specific information listed in subsection 2 of this section,
2 the complete statements, photographs and fingerprints required by sections 589.400 to
3 589.425 shall not be subject to the provisions of chapter 610 and are not public records as
4 defined in section 610.010, and shall be available only to courts, prosecutors and law
5 enforcement agencies.

6 2. ~~[Notwithstanding any provision of law to the contrary, the chief law enforcement~~
7 ~~official of the county]~~ **(1) The following information shall be available as an open record**
8 **under chapter 610:**

9 **(a) Any information retained by the Missouri state highway patrol required to**
10 **be published on the internet at the time of the request, as provided in section 589.411;**
11 **and**

12 **(b) The name, offense requiring registration, dates of registration, and**
13 **compliance status of any offender who has been removed from the internet because**
14 **of death or a move out of the state. For offenders who have moved out of the state, the**
15 **new state of residence shall also be an open record.**

16 **(2) The registration official** shall maintain, for all offenders registered in such
17 county, a complete list of the names, addresses and crimes for which such offenders are
18 registered. Any person may request such list from the ~~[chief law enforcement]~~ **registration**
19 **official of the county.**

20 **3. Nothing in this section shall be construed to open any records relating to an**
21 **offender who has been removed from the sexual offender registry or found exempt**
22 **under section 589.401. Such records shall be governed by the provisions of chapter 610.**

23 **4. The metadata recorded by the sex offender registry system, website, or other**
24 **related databases utilized by the sex offender registry including activity logs, user**
25 **information, or other related information shall be a closed record, available only to**
26 **authorized users for the administration of criminal justice, as the term "administration**
27 **of criminal justice" is defined in section 43.500.**

2 ~~[589.402. 1. The chief law enforcement officer of the county or city~~
3 ~~not within a county may maintain a web page on the internet, which shall be~~
4 ~~open to the public and shall include a registered sexual offender search~~
5 ~~capability.~~

6 ~~2. Except as provided in subsections 4 and 5 of this section, the~~
7 ~~registered sexual offender search shall make it possible for any person using~~
8 ~~the internet to search for and find the information specified in subsection 3 of~~

8 this section, if known, on offenders registered in this state pursuant to sections
9 ~~589.400 to 589.425.~~
10 3. ~~Only the information listed in this subsection shall be provided to~~
11 ~~the public in the registered sexual offender search:~~
12 ~~(1) The name and any known aliases of the offender;~~
13 ~~(2) The date of birth and any known alias dates of birth of the~~
14 ~~offender;~~
15 ~~(3) A physical description of the offender;~~
16 ~~(4) The residence, temporary, work, and school addresses of the~~
17 ~~offender, including the street address, city, county, state, and zip code;~~
18 ~~(5) Any photographs of the offender;~~
19 ~~(6) A physical description of the offender's vehicles, including the~~
20 ~~year, make, model, color, and license plate number;~~
21 ~~(7) The nature and dates of all offenses qualifying the offender to~~
22 ~~register, including the tier level assigned to the offender under sections~~
23 ~~589.400 to 589.425;~~
24 ~~(8) The date on which the offender was released from the department~~
25 ~~of mental health, prison, or jail, or placed on parole, supervised release, or~~
26 ~~probation for the offenses qualifying the offender to register;~~
27 ~~(9) Compliance status of the offender with the provisions of sections~~
28 ~~589.400 to 589.425; and~~
29 ~~(10) Any online identifiers, as defined in section 43.651, used by the~~
30 ~~person. Such online identifiers shall not be included in the general profile of~~
31 ~~an offender on the web page and shall only be available to a member of the~~
32 ~~public by a search using the specific online identifier to determine if a match~~
33 ~~exists with a registered offender.~~
34 4. ~~The chief law enforcement officer of any county or city not within a~~
35 ~~county may publish in any newspaper distributed in the county or city not~~
36 ~~within a county the sexual offender information provided under subsection 3~~
37 ~~of this section for any offender residing in the county or city not within a~~
38 ~~county.~~
39 5. ~~Juveniles required to register under subdivision (6) of subsection 1~~
40 ~~of section 589.400 shall be exempt from public notification to include any~~
41 ~~adjudications from another state, territory, the District of Columbia, or foreign~~
42 ~~country or any federal, tribal, or military jurisdiction.]~~

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