

SECOND REGULAR SESSION

HOUSE BILL NO. 3189

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WARWICK.

7021H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 567.030, 573.110, 573.112, 589.400, 589.414, and 595.045, RSMo, and to enact in lieu thereof eight new sections relating to sexual offenses, with penalty provisions.

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

Section A. Sections 567.030, 573.110, 573.112, 589.400, 589.414, and 595.045, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 566.152, 567.030, 573.110, 573.112, 573.114, 589.400, 589.414, and 595.045, to read as follows:

566.152. 1. This section shall be known and may be cited as "Evie and Sophie's Law".

2. A person commits the offense of grooming of a minor if such person is twenty-one years of age or older and knowingly engages in a pattern of conduct that includes at least one overtly sexual act or communication directed toward a minor from which, by its nature or context, a reasonable person would infer the intent to prepare, condition, or manipulate such minor for sexual conduct, sexual performance, or a commercial sex act.

3. For the purposes of prosecution of the offense of grooming of a minor, the following shall apply:

(1) Direct evidence of explicit statements of intent of the defendant shall not be required. Intent of the defendant may be established by the nature, frequency, and context of communications or actions, except that intent of the defendant is required to

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.

14 be evaluated based upon only what a reasonable person would infer the intent of the
15 defendant to be; and

16 (2) A pattern of conduct shall be determined by objective facts, not by the
17 reputation or character of the defendant.

18 4. The offense of grooming of a minor shall not apply to a person who is a
19 parent, guardian, or family member of the minor who is providing standard care or
20 support to the minor if there is no evidence of sexual intent or exploitation by the
21 person.

22 5. The offense of grooming of a minor is a class C felony unless sexual conduct,
23 sexual performance, or a commercial sex act occurs, in which case it is a class B felony.
24 No person convicted under this section shall be eligible for probation, parole, or
25 conditional release until serving a minimum sentence of five years.

26 6. Notwithstanding the provisions of sections 557.011, 558.019, and 559.021 to
27 the contrary, a person found guilty of violating this section shall be ordered by the
28 sentencing court to pay restitution to the victim of the offense. The minimum restitution
29 ordered by the court for such victim shall be in the amount determined by the court
30 necessary to compensate the victim for the mental and physical rehabilitation of the
31 victim, any lost income or educational disruption, or relocation or housing assistance for
32 the victim.

33 7. The committee within the statewide council established under section
34 210.1505 shall issue guidance for:

35 (1) The public on identifying and recognizing actions constituting grooming of a
36 minor, responding to potential instances of grooming of a minor, and treatment of and
37 services for victims of grooming; and

38 (2) Procedures and training for professionals on the investigating and
39 prosecuting of perpetrators of the offense of grooming of a minor.

40 8. As used in this section, the following terms mean:

41 (1) "Minor", a person under eighteen years of age;

42 (2) "Pattern of conduct", two or more acts, occurrences, or practices, whether
43 continuous or closely related in time, that collectively demonstrate a course of action
44 directed at a minor for the purpose of preparing, conditioning, or manipulating the
45 minor for sexual conduct, sexual performance, or a commercial sex act. Evidence of a
46 pattern of conduct may include written correspondences, text messages, email, instant
47 messaging, social media communications, images, recordings, or other digital or
48 electronic methods of communication. A pattern of conduct may be established if a
49 person either selects or identifies a minor based on perceived vulnerability or establishes

50 rapport with a minor, or the minor's parent or guardian, to reduce suspicion, and does
51 one of the following:

52 (a) Provides attention, gifts, favors, or other benefits that create reliance or
53 obligation from a minor;

54 (b) Reduces or eliminates protective influences of a minor, increasing secrecy
55 with a minor, or restricting access to support systems of a minor; or

56 (c) Introduces explicit sexual material that is pornographic for minors, as such
57 terms are defined in section 573.010, or other physical contact with increasing frequency
58 to a minor, and using secrecy, threats, or manipulation to sustain compliance of such
59 minor;

60 (3) "Sexual performance", any play, motion picture film, videotape, dance, or
61 exhibition performed before an audience of one or more that includes sexual conduct by
62 a minor.

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

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

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

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

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

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

573.110. 1. **This section and sections 571.112 and 573.114 shall be known and
2 may be cited as "Evan's Voice Act".**

3 2. As used in this section and ~~section~~ **sections 573.112 and 573.114**, the following
4 terms mean:

5 (1) "Computer", a device that accepts, processes, stores, retrieves, or outputs data and
6 includes, but is not limited to, auxiliary storage and telecommunications devices connected to
7 computers;

8 (2) "Computer program", a series of coded instructions or statements in a form
9 acceptable to a computer that causes the computer to process data and supply the results of the
10 data processing;

11 (3) "Data", a representation in any form of information, knowledge, facts, concepts,
12 or instructions including, but not limited to, program documentation, that is prepared or has
13 been prepared in a formalized manner and is stored or processed in or transmitted by a
14 computer or in a system or network. Data is considered property and may be in any form
15 including, but not limited to, printouts, magnetic or optical storage media, punch cards, data
16 stored internally in the memory of the computer, or data stored externally that is accessible by
17 the computer;

18 (4) "Image", a photograph, film, videotape, digital recording, or other depiction or
19 portrayal of an object, including a human body;

20 (5) "Intimate parts", the fully unclothed, partially unclothed, or transparently clothed
21 genitals, pubic area, or anus or, if the person is female, a partially or fully exposed nipple,
22 including exposure through transparent clothing;

23 (6) "Private mobile radio services", private land mobile radio services and other
24 communications services characterized by the public service commission as private mobile
25 radio services;

26 (7) "Public mobile services", air-to-ground radio telephone services, cellular radio
27 telecommunications services, offshore radio, rural radio services, public land mobile
28 telephone services, and other common carrier radio communications services;

29 (8) "Sexual act", sexual penetration, masturbation, or sexual activity;

30 (9) "Sexual activity", any:

31 (a) Knowing touching or fondling by the victim or another person or animal, either
32 directly or through clothing, of the sex organs, anus, or breast of the victim or another person
33 or animal for the purpose of sexual gratification or arousal;

34 (b) Transfer or transmission of semen upon any part of the clothed or unclothed body
35 of the victim for the purpose of sexual gratification or arousal of the victim or another;

36 (c) Act of urination within a sexual context;

37 (d) Bondage, fetter, sadism, or masochism; or

38 (e) Sadomasochism abuse in any sexual context.

39 ~~[2-]~~ 3. A person commits the offense of nonconsensual dissemination of private
40 sexual images if he or she:

41 (1) Intentionally disseminates an image with the intent to harass, threaten, or coerce
42 another person:

43 (a) ~~Who is at least eighteen years of age;~~

44 ~~(b)~~ Who is identifiable from the image itself or information displayed in connection
45 with the image; and

46 ~~(c)~~ (b) Who is engaged in a sexual act or whose intimate parts are exposed, in whole
47 or in part;

48 (2) Obtains the image under circumstances in which a reasonable person would know
49 or understand that the image was to remain private; and

50 (3) Knows or should have known that the person in the image did not consent to the
51 dissemination.

52 ~~[3-]~~ 4. The following activities are exempt from the provisions of this section:

53 (1) The intentional dissemination of an image of another identifiable person who is
54 engaged in a sexual act or whose intimate parts are exposed if the dissemination is made for
55 the purpose of a criminal investigation that is otherwise lawful;

56 (2) The intentional dissemination of an image of another identifiable person who is
57 engaged in a sexual act or whose intimate parts are exposed if the dissemination is for the
58 purpose of, or in connection with, the reporting of unlawful conduct;

59 (3) The intentional dissemination of an image of another identifiable person who is
60 engaged in a sexual act or whose intimate parts are exposed if the image involves voluntary
61 exposure in a public or commercial setting; or

62 (4) The intentional dissemination of an image of another identifiable person who is
63 engaged in a sexual act or whose intimate parts are exposed if the dissemination serves a
64 lawful public purpose.

65 ~~[4-]~~ 5. Nothing in this section shall be construed to impose liability upon the
66 following entities solely as a result of content or information provided by another person:

67 (1) An interactive computer service, as defined in 47 U.S.C. Section 230(f)(2);

68 (2) A provider of public mobile services or private mobile radio services; or

69 (3) A telecommunications network or broadband provider.

70 ~~[5-]~~ 6. A person convicted under this section is subject to the forfeiture provisions
71 under sections 513.600 to 513.660.

72 ~~[6-]~~ 7. The offense of nonconsensual dissemination of private sexual images is a class
73 D felony, **unless the image was of a minor or of a vulnerable person, in which case it is a**
74 **class C felony.**

75 ~~[7-]~~ 8. In addition to the criminal penalties listed in subsection 6 of this section, the
76 person in violation of the provisions of this section shall also be subject to a private cause of
77 action from the depicted person. Any successful private cause of action brought under this

78 subsection shall result in an award equal to ten thousand dollars or actual damages, whichever
79 is greater, and in addition shall include attorney's fees. Humiliation or embarrassment shall
80 be an adequate showing that the plaintiff has incurred damages; however, no physical
81 manifestation of either humiliation or embarrassment is necessary for damages to be shown.

573.112. 1. A person commits the offense of threatening the nonconsensual
2 dissemination of private sexual images if he or she gains or attempts to gain anything of
3 value, or coerces or attempts to coerce another person to act or refrain from acting, by
4 threatening to disseminate an image of another person, which was obtained under
5 circumstances in which a reasonable person would know or understand that the image was
6 to remain private, against the will of such person:

7 (1) ~~Who is at least eighteen years of age;~~

8 ~~(2)~~ Who is identifiable from the image itself or information displayed in connection
9 with the image; and

10 ~~(3)~~ (2) Who is engaged in a sexual act or whose intimate parts are exposed, in whole
11 or in part.

12 2. (1) **Except as provided in subdivision (2) or (3) of this subsection, the offense**
13 **of threatening the nonconsensual dissemination of private sexual images is a class E felony,**
14 **unless it is a second offense, in which case it is a class D felony. Any third or subsequent**
15 **offense of threatening the nonconsensual dissemination of private sexual images is a**
16 **class C felony.**

17 (2) **If the image was of a minor or of a vulnerable person, the offense of**
18 **threatening the nonconsensual dissemination of private sexual images is a class B felony.**

19 (3) **If the threat of the nonconsensual dissemination of private sexual images is**
20 **the proximate cause of serious physical injury or death of a person, the offense of**
21 **threatening the nonconsensual dissemination of private sexual images is a class B felony.**

573.114. **Notwithstanding the provisions of sections 557.011, 558.019, and**
2 **559.021 to the contrary, a person found guilty of violating section 573.110 or 573.112**
3 **shall be ordered by the sentencing court to pay restitution to the victim of the offense.**
4 **The minimum restitution for a victim of a person found guilty of violating section**
5 **573.110 or 573.112 ordered by the court shall be in the amount determined by the court**
6 **necessary to compensate the victim for the mental and physical rehabilitation of the**
7 **victim, any lost income or educational disruption, relocation or housing assistance for**
8 **the victim, or costs for removal of the image from any computer, computer program,**
9 **interactive computer service as such term is defined in 47 U.S.C. Section 230(f)(2),**
10 **provider of public mobile services or private mobile radio services, or**
11 **telecommunications network or broadband provider.**

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

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

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

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

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

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

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

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

39 in another state, territory, the District of Columbia, or foreign country, or has been or is
40 required to register under tribal, federal, or military law; or

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

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

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

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

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

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

70 4. The registration requirements shall be as follows:

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

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

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

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

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

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

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

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

86 (2) In the case of a:

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

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

92 (3) In the case of a:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 days in a twelve-month period shall register for the duration of such person's temporary
150 residency unless granted relief under section 589.401.

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

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

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

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

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

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

36 previously registered shall inform the Missouri state highway patrol of the change within
37 three business days. When the registrant is changing the residence to a new state, territory,
38 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
39 Missouri state highway patrol shall inform the responsible official in the new state, territory,
40 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
41 residence within three business days.

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

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

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

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

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

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

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

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

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

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

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

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

64 (k) Possession of child pornography under section 573.037;

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

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

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

69 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years
70 of age; **or**

71 (p) **Grooming of a minor under section 566.152;**

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

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

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

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

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

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

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

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

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

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

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

95 (i) Patronizing prostitution under section 567.030;

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

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

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

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

103 **(n) Nonconsensual dissemination of private sexual images under section 573.110**
104 **if the victim is seventeen years of age or under or if coercion of the victim was sexual in**
105 **nature; or**

106 **(o) Threatening the nonconsensual dissemination of private sexual images under**
107 **section 573.112 if the victim is seventeen years of age or under or if coercion of the**
108 **victim was sexual in nature;**

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

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

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

123 (1) Any offender registered as a predatory ~~sexual offender as defined in section~~
124 ~~566.123 or a~~ or persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;

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

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

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

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

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

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

132 (f) Statutory sodomy under section 566.062;

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

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

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

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

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

142 (l) Child kidnapping under section 565.115;

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

145 (n) Incest under section 568.020;

- 146 (o) Endangering the welfare of a child in the first degree under section 568.045 with
147 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 148 (p) Child molestation in the first degree under section 566.067;
- 149 (q) Child molestation in the second degree under section 566.068;
- 150 (r) Child molestation in the third degree under section 566.069 if the victim is under
151 thirteen years of age;
- 152 (s) Promoting prostitution in the first degree under section 567.050 if the victim is
153 under eighteen years of age;
- 154 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
155 under eighteen years of age;
- 156 (u) Promoting prostitution in the third degree under section 567.070 if the victim is
157 under eighteen years of age;
- 158 (v) Promoting travel for prostitution under section 567.085 if the victim is under
159 eighteen years of age;
- 160 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the
161 victim is under eighteen years of age;
- 162 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 163 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 164 (z) Genital mutilation of a female child under section 568.065;
- 165 (aa) Statutory rape in the second degree under section 566.034;
- 166 (bb) Child molestation in the fourth degree under section 566.071 if the victim is
167 under thirteen years of age;
- 168 (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term
169 of imprisonment of more than a year;
- 170 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
171 offender;
- 172 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
173 victim is under thirteen years of age;
- 174 (ff) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public**
175 **duty** under section 566.145 if the victim is under thirteen years of age;
- 176 (gg) ~~[Sexual intercourse with a prisoner or offender under section 566.145;~~
- 177 ~~(hh)]~~ Sexual contact with a student under section 566.086 if the victim is under
178 thirteen years of age;
- 179 ~~[(ii)]~~ **(hh)** Use of a child in a sexual performance under section 573.200; or
- 180 ~~[(jj)]~~ **(ii)** Promoting a sexual performance by a child under section 573.205;
- 181 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II
182 offense listed in this section or failure to register offense under section 589.425, or other

183 comparable out-of-state failure to register offense, who has been or is already required to
184 register as a tier II offender because of having been adjudicated for a tier II offense, two tier I
185 offenses, or combination of a tier I offense and failure to register offense, on a previous
186 occasion;

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

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

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

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

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs
3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court
9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected
12 by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be

13 collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable
14 to the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available
35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the
39 services to victims fund to the department of public safety.

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to
48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

54 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
55 audit shall include all records associated with crime victims' compensation funds collected,
56 held or disbursed by any state agency.

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C, D, or E
61 felony; **five hundred dollars but not more than five thousand dollars upon a plea of**
62 **guilty or a finding of guilt for the offense of nonconsensual dissemination of private**
63 **sexual images under section 573.110 or the offense of threatening the nonconsensual**
64 **dissemination of private sexual images under section 573.112;** and ten dollars upon a plea
65 of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in
66 chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers'
67 license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to
68 traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307
69 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant
70 to such judgments shall collect and disburse such crime victims' compensation judgments in
71 the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state
72 treasury and deposited to the credit of the crime victims' compensation fund.

73 9. The clerk of the court processing such funds shall maintain records of all
74 dispositions described in subsection 1 of this section and all dispositions where a judgment
75 has been entered against a defendant in favor of the state of Missouri in accordance with this
76 section; all payments made on judgments for alcohol-related traffic offenses; and any
77 judgment or portion of a judgment entered but not collected. These records shall be subject to
78 audit by the state auditor. The clerk of each court transmitting such funds shall report
79 separately the amount of dollars collected on judgments entered for alcohol-related traffic
80 offenses from other crime victims' compensation collections or services to victims
81 collections.

82 10. The department of revenue shall maintain records of funds transmitted to the
83 crime victims' compensation fund by each reporting court and collections pursuant to
84 subsection 16 of this section and shall maintain separate records of collection for alcohol-
85 related offenses.

86 11. The state courts administrator shall include in the annual report required by
87 section 476.350 the circuit court caseloads and the number of crime victims' compensation
88 judgments entered.

89 12. All awards made to injured victims under sections 595.010 to 595.105 and all
90 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
91 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
92 remaining in the crime victims' compensation fund at the end of each biennium shall not be
93 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
94 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
95 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
96 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
97 crime victims' compensation fund, then no claim shall be paid until funds have again
98 accumulated in the crime victims' compensation fund. When sufficient funds become
99 available from the fund, awards which have not been paid shall be paid in chronological order
100 with the oldest paid first. In the event an award was to be paid in installments and some
101 remaining installments have not been paid due to a lack of funds, then when funds do become
102 available that award shall be paid in full. All such awards on which installments remain due
103 shall be paid in full in chronological order before any other postdated award shall be paid.
104 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
105 be paid due to a lack of funds in the crime victims' compensation fund.

106 13. When judgment is entered against a defendant as provided in this section and such
107 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
108 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
109 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
110 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
111 judgment shall be entered on the court record. Under no circumstances shall the general
112 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
113 department of corrections shall have the authority to pay into the crime victims' compensation
114 fund from an offender's compensation or account the amount owed by the offender to the
115 crime victims' compensation fund, provided that the offender has failed to pay the amount
116 owed to the fund prior to entering a correctional facility of the department of corrections.

117 14. All interest earned as a result of investing funds in the crime victims'
118 compensation fund shall be paid into the crime victims' compensation fund and not into the
119 general revenue of this state.

120 15. Any person who knowingly makes a fraudulent claim or false statement in
121 connection with any claim hereunder is guilty of a class A misdemeanor.

122 16. The department may receive gifts and contributions for the benefit of crime
123 victims. Such gifts and contributions shall be credited to the crime victims' compensation
124 fund as used solely for compensating victims under the provisions of sections 595.010 to
125 595.075.

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