HCS SB 982 -- SEXUAL OFFENSES

SPONSOR: Coleman

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 14 to 1 with 1 member voting present. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 6 to 0 with 1 member voting present.

The following is a summary of the House Committee Substitute for SB 982.

This bill prohibits a person from changing his or her name for the period of time the person is required to register on the sex offender registry. If a person required to register had a prior legal name that was used on or after the date of conviction, that name must be reported as an alias. A person required to register must also register under his or her biological sex.

This bill modifies provisions relating to the sex offender registry. Instead of listing certain sexual offenses, this bill provides that any person who, since July 1, 1979, has been or is adjudicated for a tier I offense, tier II offense, or tier III offense in this state or in any other state, territory, the District of Columbia, foreign country, or federal, tribal or military jurisdiction will be required to register as a sex offender.

Offenders will be classified as a tier I, tier II, or tier III offender. To the extent more than one tier definition applies, the highest tier will be the applicable tier for the offender. This bill also provides that certain juvenile offenders and certain offenders who live or work in Missouri with registration requirements by other jurisdictions will be assigned a tier, which will be only for the purposes of registration appearance frequency and removal eligibility. The initial determination as to the tier will be made by the registration official and the Missouri State Highway Patrol (MSHP) will analyze the tier designation for accuracy.

This bill additionally provides that any sex offender with a primary residence outside of Missouri who has a temporary residence in Missouri in which he or she resides for more than a part-time period must register for the duration of the offender's temporary residency. This bill also provides that a nonresident sex offender who works or is a nonresident student in this state

must register in the county where the status requiring registration occurs for the duration of the offender's employment or attendance at any school of higher education as long as the status requiring registration remains active.

The jurisdiction, in addition to the Attorney General, can certify appropriate sex offender treatment programs for purposes of reductions in registration periods. Additionally, if records of program completion are unavailable, and completion of the program that was required as a term of probation, an order discharging the sex offender from probation or other record acknowledging satisfactory completion of probation will constitute prima facie evidence of successful competition.

This bill modifies provisions relating to removal from registration for a person required to register because of an offense adjudicated in another jurisdiction. The person must file the petition for removal, termination, or relief from registration, or the declaratory judgment providing for removal, termination, or relief, instead of filing a petition for removal, according to the laws of the adjudicating jurisdiction. Upon the entry of a judgment, rather than a grant of a petition for removal, providing that the person is no longer required to register, the judgment can be registered in this state by providing the information required by current law. Additionally, the person may file a petition for removal from this state’s sexual offender registry and satisfy the requirements for removal based on adjudication in another state if certain requirements specified in the bill are satisfied.

Currently, if a petition for removal is denied, no successive petition will be filed for at least five years from the judgment date of a petition. If the denial was based on a statute or law that has since been amended, repealed, or invalidated, a person can file a petition within the five-year period. The new petition must include the case number and court of the prior petition and identify the applicable change in the statute or law.

This bill repeals the provisions relating to someone being removed from the sex offender registry for certain offenses that were nonsexual in nature as specified in the bill. The bill also modifies the list of offenses that exempts offenders who meet the other requirements provided in current law from registration. An offender will have the burden of proving that the requirements for exemption are met.

The registration official must enter, rather than forward to MSHP, the completed offender registration forms and related updates into the online sex offender registry within three days. MSHP must ensure the information entered into the registry is accessible through the Missouri Uniform Law Enforcement System and forwarded to the National Crime Information Center. MSHP must also regularly update the web page to remove persons who have been removed or exempted, persons deceased, or persons who have moved out of state. Lastly, this bill modifies certain information related to sex offenders and the metadata of the sex offender registry that is considered as an open or closed record under Missouri Sunshine Law.

Currently, if a person determined by a court to be a sexually violent predator is ordered to the Department of Mental Health (DMH), the Director of the Department determines the appropriate secure facility. This bill adds the Department of Corrections (DOC) as an option for an appropriate secure facility. The bill allows DMH to enter into an interagency agreement with DOC to confine persons determined to be sexually violent predators who have been ordered to DMH or for persons ordered to DMH after a finding of probable cause that the person is a sexually violent predator, as long as DOC has enough space and services available and the Director of DOC has agreed to provide the confinement through an interagency agreement with DMH. The interagency agreement will also be for the control and care, including health care services, of the persons committed to DMH as sexually violent predators. Persons who are under the control and care of DOC under an agreement wit DMH must be housed and managed separately from offenders in the custody of DOC and must be segregated from such offenders except for occasional instances of supervised incidental contact. If DMH and DOC have entered into an interagency agreement, DOC is authorized to enter into one or more contract agreements as may be necessary to perform the agreed-upon responsibilities of DOC under the interagency agreement, as provided in the bill. DOC is also authorized to enter into one or more contract agreements with one or more licensed professionals or providers of health care services to provide health care services for the sexually violent predators housed in DOC. DMH is authorized to enter into one or more contract agreements with one or more licensed professionals or providers of health care or mental health care services to provide health care or mental health care services to the persons ordered to DMH as sexually violent predators.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the perfected senate version of the bill.

PROPONENTS: Supporters say that this bill is similar to a House bill but there was some language that was Truly Agreed to and Finally Passed that needs to be addressed in a substitute to this bill. There is nothing that is changing substantively about the registry, but the Sections related to the registry were moved and reorganized to make it clearer what happens when someone who has to register in Missouri doesn't reside in Missouri. The registry is also moving from Chapter 43 to Chapter 589, where the entire framework of the sex offender registry is housed. This will ensure the people who are eligible for removal actually have a mechanism for removal.

Testifying in person for the bill were Senator Coleman; Arnie Dienoff; Missouri Alliance for Family Restoration.

OPPONENTS: There was no in person opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.