SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 714, 933, 899 & 758
94TH GENERAL ASSEMBLY
2008

AN ACT
To repeal sections 43.650, 211.425, 491.075, 556.061, 565.153, 566.083, 566.147,
566.149, 573.025, 573.035, 573.037, 573.040, 589.015, 589.400, 589.402,
589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, and to enact
in lieu thereof twenty-five new sections relating to sexual offenses, with
penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 43.650, 211.425, 491.075, 556.061, 565.153, 566.083,
566.147, 566.149, 573.025, 573.035, 573.037, 573.040, 589.015, 589.400, 589.402,
589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, are repealed and
twenty-five new sections enacted in lieu thereof, to be known as sections 43.650,
43.651, 211.425, 491.075, 556.061, 565.153, 566.083, 566.147, 566.149, 566.153,
573.025, 573.035, 573.037, 573.038, 573.040, 589.015, 589.400, 589.402, 589.403,
589.405, 589.407, 589.414, 589.425, 589.426, and 650.120, to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a web page
on the Internet which shall be open to the public and shall include a registered
sexual offender search capability.

2. The registered sexual offender search shall make it possible for any
person using the Internet to search for and find the information specified in
subsection 4 of this section, if known, on offenders registered in this state
pursuant to sections 589.400 to 589.425, RSMo, except that only persons who

EXPLANATION–Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is
intended to be omitted in the law.
have been convicted of, found guilty of or plead guilty to committing [or],
attempting to commit, or conspiring to commit sexual offenses shall be
included on this web site.

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

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

   (1) The name and any known aliases of the offender;
   (2) The date of birth and any known alias dates of birth of the offender;
   (3) A physical description of the offender;
   (4) The residence, temporary, work, and school addresses of the offender,
including the street address, city, county, state, and zip code;
   (5) Any photographs of the offender;
   (6) A physical description of the offender's vehicles, including the year,
make, model, color, and license plate number;
   (7) The nature and dates of all offenses qualifying the offender to register;
   (8) The date on which the offender was released from the department of
mental health, prison, or jail, or placed on parole, supervised release, or probation
for the offenses qualifying the offender to register; [and]
   (9) Compliance status of the offender with the provisions of section
589.400 to 589.425, RSMo; and

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

43.651. 1. As used in this section, the following terms shall mean:

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

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

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

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

2. Subject to appropriations, the patrol shall make registry information regarding a registered sexual offender's online identifiers available to an entity for the purpose of allowing the entity to prescreen users or for comparison with information held by the entity as provided by this subsection.

(1) The information obtained by an entity from the state sexual offender registry shall not be used for any purpose other than for prescreening its users or comparing the database of registered users of the entity against the list of online identifiers of persons in the state sexual offender registry in order to protect children from online sexual predators. The patrol shall promulgate rules and regulations regarding the release and use of online identifier information. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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

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

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

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

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

211.425. 1. Any person who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, RSMo, including, but not limited to, rape, forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex offender and shall be required to register as a juvenile sex offender by complying with the registration requirements provided for in this section, unless such juvenile adjudicated as a delinquent is fourteen years of age or older at the time of the offense and the offense adjudicated would be considered a felony under chapter 566, RSMo, if committed by an adult, which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, including any attempt or conspiracy to commit such offense, in which case, the juvenile shall be required to register as an adult sexual offender under sections 589.400 to 589.425, RSMo. This requirement shall
also apply to any person who is or has been adjudicated a juvenile delinquent in
any other state or federal jurisdiction for committing [or], attempting to commit,
**or conspiring to commit** offenses which would be proscribed herein.

2. Any state agency having supervision over a juvenile required to register
as a juvenile sex offender or any court having jurisdiction over a juvenile required
to register as a juvenile sex offender, or any person required to register as a
juvenile sex offender, shall, within ten days of the juvenile offender moving into
any county of this state, register with the juvenile office of the county. If such
juvenile offender changes residence or address, the state agency, court or person
shall inform the juvenile office within ten days of the new residence or address
and shall also be required to register with the juvenile office of any new county
of residence. Registration shall be accomplished by completing a registration
form similar to the form provided for in section 589.407, RSMo. Such form shall
include, but is not limited to, the following:

1. A statement in writing signed by the juvenile, giving the juvenile's
name, address, Social Security number, phone number, school in which enrolled,
place of employment, offense which requires registration, including the date,
place, and a brief description of such offense, date and place of adjudication
regarding such offense, and age and gender of the victim at the time of the
offense; and

2. The fingerprints and a photograph of the juvenile.

3. Juvenile offices shall maintain the registration forms of those juvenile
offenders in their jurisdictions who register as required by this
section. Information contained on the registration forms shall be kept
confidential and may be released by juvenile offices to only those persons and
agencies who are authorized to receive information from juvenile court records as
provided by law, including, but not limited to, those specified in section
211.321. State agencies having custody of juveniles who fall within the
registration requirements of this section shall notify the appropriate juvenile
offices when such juvenile offenders are being transferred to a location falling
within the jurisdiction of such juvenile offices.

4. Any juvenile who is required to register pursuant to this section but
fails to do so or who provides false information on the registration form is subject
to disposition pursuant to this chapter. Any person seventeen years of age or
over who commits such violation is guilty of a class A misdemeanor as provided
for in section 211.431.
5. Any juvenile to whom the registration requirement of this section applies shall be informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or release from such custody, of the requirement to register pursuant to this section. Such official shall obtain the address where such juvenile expects to register upon being discharged or released and shall report the juvenile's name and address to the juvenile office where the juvenile will be required to register. This requirement to register upon discharge or release from custody does not apply in situations where the juvenile is temporarily released under guard or direct supervision from a detention facility or similar custodial facility.

6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching age twenty-one, unless such juvenile offender is required to register as an adult offender pursuant to section 589.400, RSMo.

491.075. 1. A statement made by a child under the age of fourteen relating to an offense under chapter 565, 566, [or] 568 or 573, RSMo, performed with or on a child by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) (a) The child testifies at the proceedings; or

(b) The child is unavailable as a witness; or

(c) The child is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child unavailable as a witness at the time of the criminal proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of fourteen who is alleged to be victim of an offense under chapter 565, 566, [or] 568 or 573, RSMo, is sufficient corroboration of a statement, admission or confession regardless of whether or not the child is available to testify regarding the offense.

3. A statement may not be admitted under this section unless the prosecuting attorney makes known to the accused or the accused's counsel his or
her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused's counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.

556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) "Affirmative defense" has the meaning specified in section 556.056;

(2) "Burden of injecting the issue" has the meaning specified in section 556.051;

(3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest
or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

"Criminal negligence" has the meaning specified in section 562.016, RSMo;

(7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnaping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo, [and] child kidnaping, and parental kidnaping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, RSMo;

(9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) "Felony" has the meaning specified in section 556.016;

(12) "Forcible compulsion" means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnaping of such person or another person;
(13) "Incapacitated" means that physical or mental condition, temporary
or permanent, in which a person is unconscious, unable to appraise the nature of
such person's conduct, or unable to communicate unwillingness to an act. A
person is not incapacitated with respect to an act committed upon such person if
he or she became unconscious, unable to appraise the nature of such person's
conduct or unable to communicate unwillingness to an act, after consenting to the
act;
(14) "Infraction" has the meaning specified in section 556.021;
(15) "Inhabitable structure" has the meaning specified in section 569.010,
RSMo;
(16) "Knowingly" has the meaning specified in section 562.016, RSMo;
(17) "Law enforcement officer" means any public servant having both the
power and duty to make arrests for violations of the laws of this state, and
federal law enforcement officers authorized to carry firearms and to make arrests
for violations of the laws of the United States;
(18) "Misdemeanor" has the meaning specified in section 556.016;
(19) "Offense" means any felony, misdemeanor or infraction;
(20) "Physical injury" means physical pain, illness, or any impairment of
physical condition;
(21) "Place of confinement" means any building or facility and the grounds
thereof wherein a court is legally authorized to order that a person charged with
or convicted of a crime be held;
(22) "Possess" or "possessed" means having actual or constructive
possession of an object with knowledge of its presence. A person has actual
possession if such person has the object on his or her person or within easy reach
and convenient control. A person has constructive possession if such person has
the power and the intention at a given time to exercise dominion or control over
the object either directly or through another person or persons. Possession may
also be sole or joint. If one person alone has possession of an object, possession
is sole. If two or more persons share possession of an object, possession is joint;
(23) "Public servant" means any person employed in any way by a
government of this state who is compensated by the government by reason of such
person's employment, any person appointed to a position with any government of
this state, or any person elected to a position with any government of this state;
it includes, but is not limited to, legislators, jurors, members of the judiciary and
law enforcement officers. It does not include witnesses;
(24) "Purposely" has the meaning specified in section 562.016, RSMo;
(25) "Recklessly" has the meaning specified in section 562.016, RSMo;
(26) "Ritual" or "ceremony" means an act or series of acts performed by
two or more persons as part of an established or prescribed pattern of activity;
(27) "Serious emotional injury", an injury that creates a substantial risk
of temporary or permanent medical or psychological damage, manifested by
impairment of a behavioral, cognitive or physical condition. Serious emotional
injury shall be established by testimony of qualified experts upon the reasonable
expectation of probable harm to a reasonable degree of medical or psychological
certainty;
(28) "Serious physical injury" means physical injury that creates a
substantial risk of death or that causes serious disfigurement or protracted loss
or impairment of the function of any part of the body;
(29) "Sexual conduct" means acts of human masturbation; deviate sexual
intercourse; sexual intercourse; or physical contact with a person's clothed or
unclothed genitals, pubic area, buttocks, or the breast of a female in an act of
apparent sexual stimulation or gratification;
(30) "Sexual contact" means any touching of the genitals or anus of any
person, or the breast of any female person, or any such touching through the
clothing, for the purpose of arousing or gratifying sexual desire of any person;
(31) "Sexual performance", any performance, or part thereof, which
includes sexual conduct by a child who is less than seventeen years of age;
(32) "Voluntary act" has the meaning specified in section 562.011, RSMo.
565.153. 1. In the absence of a court order determining rights of custody
or visitation to a child, a person having a right of custody of the child commits the
crime of parental kidnapping if he removes, takes, detains, conceals, or entices
away that child within or without the state, without good cause, and with the
intent to deprive the custody right of another person or a public agency also
having a custody right to that child.
2. Parental kidnapping is a class D felony, unless committed by
detaining or concealing the whereabouts of the child for:
(1) Not less than sixty days but not longer than one hundred
nineteen days, in which case, the crime is a class C felony;
(2) Not less than one hundred twenty days, in which case, the
crime is a class B felony.
3. A subsequently obtained court order for custody or visitation shall not
566.083. 1. A person commits the crime of sexual misconduct involving a child if the person:

(1) Knowingly exposes his or her genitals to a child less than [fourteen] fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than [fourteen] fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(3) Knowingly coerces or induces a child less than [fourteen] fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.

3. It is not an affirmative defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Sexual misconduct involving a child or attempted sexual misconduct involving a child is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an offense pursuant to this chapter or the actor has previously pleaded guilty to or has been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; or for an offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section; shall not reside within one thousand feet of any public school as defined in
section 160.011, RSMo, or any private school giving instruction in a grade or
grades not higher than the twelfth grade, or child-care facility as defined in
section 210.201, RSMo, which is in existence at the time the individual begins to
reside at the location.

2. If such person has already established a residence and a public school,
a private school, or child-care facility is subsequently built or placed within one
thousand feet of such person's residence, then such person shall, within one week
of the opening of such public school, private school, or child-care facility, notify
the county sheriff where such public school, private school, or child-care facility
is located that he or she is now residing within one thousand feet of such public
school, private school, or child-care facility and shall provide verifiable proof to
the sheriff that he or she resided there prior to the opening of such public school,
private school, or child-care facility.

3. For purposes of this section, "resides" means sleeps in a residence,
which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class D
felony except that the second or any subsequent violation is a class B
felony. Violation of the provisions of subsection 2 of this section is a class A
misdemeanor except that the second or subsequent violation is a class D felony.

566.149. 1. Any person who has pleaded guilty or nolo contendere to, or
been convicted of, or been found guilty of violating any of the provisions of this
chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section
568.045, RSMo, endangering the welfare of a child in the first degree; subsection
2 of section 568.080, RSMo, use of a child in a sexual performance; section
568.090, RSMo, promoting a sexual performance by a child; section 573.023,
RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child
pornography; or section 573.040, RSMo, furnishing pornographic material to
minors; or for an offense in any other state or foreign country, or under
tribal, federal, or military jurisdiction which, if committed in this state,
would be a violation listed in this section; shall not be present in or loiter
within five hundred feet of any school building, on real property comprising any
school, or in any conveyance owned, leased, or contracted by a school to transport
students to or from school or a school-related activity when persons under the age
of eighteen are present in the building, on the grounds, or in the conveyance,
unless the offender is a parent, legal guardian, or custodian of a student present
in the building and has met the conditions set forth in subsection 2 of this
section.

2. No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

3. Violation of the provisions of this section shall be a class A misdemeanor.

566.153. 1. A person commits the crime of age misrepresentation with intent to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use the Internet to engage in criminal sexual conduct involving a minor.

2. Age misrepresentation with intent to solicit a minor is a class D felony.

573.025. 1. A person commits the crime of promoting child pornography in the first degree if, knowing of its content and character, such person possesses with the intent to promote or promotes [obscene material that has a child as one of its participants or portrays what appears to be a child as a participant or observer of sexual conduct] child pornography of a child less than fourteen years of age or obscene material portraying what appears to be a child less than fourteen years of age.

2. Promoting child pornography in the first degree is a class B felony unless the person knowingly promotes such material to a minor, in which case it is a class A felony. No person who pleads guilty to or is found guilty of, or is convicted of promoting child pornography in the first degree shall
be eligible for probation, parole, or conditional release for a period of three calendar years.

3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.

573.035. 1. A person commits the crime of promoting child pornography in the second degree if knowing of its content and character such person possesses with the intent to promote or promotes child pornography [or obscene material that has a minor as one of its participants, or portrays what appears to be a minor as a participant or observer of sexual conduct] of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen.

2. Promoting child pornography in the second degree is a class C felony unless the person knowingly promotes such material to a minor, in which case it is a class B felony. No person who is found guilty of, pleads guilty to, or is convicted of promoting child pornography in the second degree shall be eligible for probation.

573.037. 1. A person commits the crime of possession of child pornography if, knowing of its content and character, such person possesses any [obscene material that has a child as one of its participants or portrays what appears to be a child as an observer or participant of sexual conduct] child pornography of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen.

2. Possession of child pornography is a class [D] C felony unless the person possesses more than twenty still images of child pornography, possesses one motion picture, film, videotape, videotape production, or other moving image of child pornography, or has pleaded guilty to or has been found guilty of an offense under this section, in which case it is a class [C] B felony.

573.038. 1. In any criminal proceeding, any property or material that constitutes child pornography shall remain in the care, custody, and control of either the state or the court.

2. (1) Notwithstanding Missouri Rule of Criminal Procedure 25.03 or any other rule or statute to the contrary, a court shall deny, in any criminal proceeding, any request by the defendant to copy,
photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography, so long as the state makes the property or material reasonably available to the defendant.

(2) For the purposes of subdivision (1) of this subsection, property or material shall be deemed to be reasonably available to the defendant if the state provides ample opportunity for inspection, viewing, and examination at a state or other governmental facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

573.040. 1. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he or she:

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

(3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. It is not an affirmative defense to a prosecution for a violation of this section that the person being furnished the pornographic material is a peace officer masquerading as a minor.

3. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is a class A misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense committed at a different time pursuant to this chapter, chapter 566 or chapter 568, RSMo, in which case it is a class D felony.

589.015. As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:
5 (a) The acts of rape, forcible rape, statutory rape in the first degree, 
6 statutory rape in the second degree, sexual assault, sodomy, forcible sodomy, 
7 statutory sodomy in the first degree, statutory sodomy in the second degree, child 
8 molestation in the first degree, child molestation in the second degree, deviate 
9 sexual assault, sexual misconduct and sexual abuse, or attempts to commit any 
10 of the aforesaid, as these acts are defined in chapter 566, RSMo; 
11 (b) The act of incest, as this act is defined in section 568.020, RSMo; 
12 (c) The act of abuse of a child, as defined in subdivision (1) of subsection 
13 1 of section 568.060, RSMo, which involves sexual contact, and as defined in 
14 subdivision (2) of subsection 1 of section 568.060, RSMo; [and] 
15 (d) The act of use of a child in a sexual performance as defined in section 
16 568.080, RSMo; and 
17 (e) The act of enticement of a child, as defined in section 566.150, 
18 RSMo, or any attempt to commit such act.

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 convicted 
3 of, been found guilty of, or pled guilty or nolo contendere to committing, [or] 
4 attempting to commit, or conspiring to commit a felony offense of chapter 566, 
5 RSMo, including sexual trafficking of a child and sexual trafficking of a child 
6 under the age of twelve, or any offense of chapter 566, RSMo, where the victim 
7 is a minor; or 
8 (2) Any person who, since July 1, 1979, has been or is hereafter convicted 
9 of, been found guilty of, or pled guilty or nolo contendere to committing, [or] 
10 attempting to commit, or conspiring to commit one or more of the following 
11 offenses: kidnapping when the victim was a child and the defendant was not a 
12 parent or guardian of the child; abuse of a child under section 568.060, 
13 RSMo, when such abuse is sexual in nature; felonious restraint when the 
14 victim was a child and the defendant is not a parent or guardian of the child; 
15 sexual contact or sexual intercourse with a resident of a nursing home, under 
16 section 565.200, RSMo; endangering the welfare of a child under section 568.045, 
17 RSMo, when the endangerment is sexual in nature; genital mutilation of a female 
18 child, under section 568.065, RSMo; promoting prostitution in the first degree; 
19 promoting prostitution in the second degree; promoting prostitution in the third 
20 degree; sexual exploitation of a minor; promoting child pornography in the first 
21 degree; promoting child pornography in the second degree; possession of child 
22 pornography; furnishing pornographic material to minors; public display of
explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

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

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction, who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566, RSMo, which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

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

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, [or], attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or

[(6)] (8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends [school or training] an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in
Missouri. "Part-time" in this subdivision means for more than [fourteen] **seven** days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within **ten** days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within **ten** days of August 28, 2003. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

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

   (2) The registrant is pardoned of the offenses requiring registration;

   (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

   (4) The registrant may petition the court for removal from the registry under subsection 7 or 8 of this section and the court orders the removal of such person from the registry.

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

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

6. [Effective August 28, 2006.] Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo
contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, RSMo, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. [Effective August 28, 2006.] Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2006, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise
demonstrate the reasons why the petition should be denied. Failure of the person seeking removal from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person’s petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes such person’s name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person’s name removed from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person’s employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than [fourteen] seven days in a twelve-month period shall register for the duration of such person’s temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

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

2. The registered sexual offender search shall make it possible for any person using the Internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of, or plead guilty to committing [or], attempting to commit, or conspiring to commit sexual offenses shall be included on this web site.
3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

   (1) The name and any known aliases of the offender;
   (2) The date of birth and any known alias dates of birth of the offender;
   (3) A physical description of the offender;
   (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
   (5) Any photographs of the offender;
   (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
   (7) The nature and dates of all offenses qualifying the offender to register;
   (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register; [and]
   (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and

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

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

589.403. Any person to whom subsection 1 of section 589.400 applies who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections or any mental health institution where such person was confined shall be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall obtain the address where the person expects to reside upon discharge, parole or release, and shall report such address complete the initial registration prior to release and forward the
offender's registration, within three business days, to the chief law
enforcement official of the county or city not within a county where the person
expects to reside upon discharge, parole or release. When the person lists an
address where he or she expects to reside that is not in this state, the
initial registration shall be forwarded to the Missouri state highway
patrol.

589.405. Any person to whom subsection 1 of section 589.400 applies who
is released on probation, discharged upon payment of a fine, or released after
confined in a county jail shall, prior to such release or discharge, 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, the court shall obtain the address where
the person expects to reside upon discharge, parole or release and shall report,
within three business days, such address to the chief law enforcement official
of the county or city not within a county where the person expects to reside, upon
discharge, parole or release.

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. Such form shall include, but is not limited to the following:
(1) A statement in writing signed by the person, giving the name, address,
Social Security number and phone number of the person, the license plate number
and vehicle description, including the year, make, model, and color of each vehicle
owned or operated by the offender, any online identifiers, as defined in
section 43.651, RSMo, used by the person, the place of employment of such
person, enrollment within any institutions of higher education, the crime which
requires registration, whether the person was sentenced as a persistent or
predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief
description of such crime, the date and place of the conviction or plea regarding
such crime, the age and gender of the victim at the time of the offense and
whether the person successfully completed the Missouri sexual offender program
pursuant to section 589.040, if applicable; [and]
(2) The fingerprints, palm prints, and a photograph of the person; and
(3) A DNA sample, if a sample has not already been obtained.
2. The offender shall provide positive identification and documentation to
substantiate the accuracy of the information completed on the offender
registration form, including but not limited to the following:
(1) A photocopy of a valid driver's license or nondriver's identification card;
(2) A document verifying proof of the offender's residency; and
(3) A photocopy of the vehicle registration for each of the offender's vehicles.

589.414. 1. [If] Any person required by sections 589.400 to 589.425 to register [changes residence or address within the same county or city not within a county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed] shall, not later than three business days after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status, appear in person to the chief law enforcement officer of the county or city not within a county and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days.

2. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within [ten] three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within [ten] three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall [promptly] inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall [promptly] inform the responsible official in the new state of
residence **within three business days**.

3. [Any person required by sections 589.400 to 589.425 to register who changes his or her enrollment or employment status with any institution of higher education within this state, by either beginning or ending such enrollment or employment, shall inform the chief law enforcement officer of such change within seven days after such change is made.]

4. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

5. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall report in person to the chief law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

   (1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018, RSMo;
   
   (2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and
   
   (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

[6.] 4. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement agency to verify the information contained in their statement made pursuant to section 589.407. All registrants shall [provide an updated photograph of himself or herself] **allow the chief law enforcement officer to take a current photograph of the offender** in the month of his or her birth to the chief law enforcement agency. [The photograph must depict a clear likeness of the registrant or the registrant shall be in violation of this section.]

[7.] 5. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time" in this subsection means for more than [fourteen] **seven** days in any twelve-month period.
6. If a person, who is required to register as a sexual offender under sections 589.400 to 589.425, changes or obtains a new online identifier as defined in section 43.651, RSMo, the person shall report such information in the same manner as a change of residence before using such online identifier.

589.425. 1. A person commits the crime of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 and fails to comply with any requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class [A misdemeanor] D felony unless the person is required to register based on having committed an offense in chapter 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class [D] C felony.

2. A person commits the crime of failing to register as a sex offender as a second offense by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a second offense is a class D felony unless the person is required to register based on having committed an offense in chapter 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class C felony.

3. A person commits the crime of failing to register as a sex offender as a third offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on two or more occasions, previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a third offense is a felony which shall be punished by a term of imprisonment of not less than ten years and not more than thirty years.

   (1) No court may suspend the imposition or execution of sentence of a person who pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No court may sentence such person to pay a fine in lieu of a term of imprisonment.

   (2) A person sentenced under this subsection shall not be eligible for conditional release or parole until he or she has served at least two years of imprisonment.

   (3) Upon release, an offender who has committed failing to register as a
sex offender as a third offense shall be electronically monitored as a mandatory
condition of supervision. Electronic monitoring may be based on a global
positioning system or any other technology which identifies and records the
offender's location at all times.

589.426. 1. Any person required to register as a sexual offender
under sections 589.400 to 589.425 shall be required on October thirty-
first of each year to:
(1) Avoid all Halloween-related contact with children;
(2) Remain inside his or her residence between the hours of 5
p.m. and 10:30 p.m. unless required to be elsewhere for just cause,
including but not limited to, employment or medical emergencies;
(3) Post a sign at his or her residence stating, "No candy or treats
at this residence"; and
(4) Leave all outside residential lighting off during the evening
hours after 5 p.m.

2. Any person required to register as a sexual offender under
sections 589.400 to 589.425 who violates the provisions of subsection 1
of this section shall be guilty of a class A misdemeanor.

650.120. 1. [Subject to appropriation.] There is hereby created in the
state treasury the "Cyber Crime Investigation Fund". The treasurer
shall be custodian of the fund and may approve disbursements from the
fund in accordance with sections 30.170 and 30.180, RSMo. Beginning
with the 2010 fiscal year and in each subsequent fiscal year, the general
assembly shall appropriate three million dollars to the cyber crime
investigation fund. The department of public safety shall be the
administrator of the fund. Money in the fund shall be used solely for
the administration of the grant program established under this
section. Notwithstanding the provisions of section 33.080, RSMo, to the
contrary, any moneys remaining in the fund at the end of the biennium
shall not revert to the credit of the general revenue fund. The state
treasurer shall invest moneys in the fund in the same manner as other
funds are invested. Any interest and moneys earned on such
investments shall be credited to the fund.

2. The department of public safety shall create a program to distribute
grants to multi jurisdictional Internet cyber crime law enforcement task forces,
multi jurisdictional enforcement groups, as defined in section 195.503, RSMo, that
are investigating Internet sex crimes against children, and other law enforcement agencies. **The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section.** Not more than three percent of the money [appropriated] in the fund may be used by the department to pay the administrative costs of the grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is investigating Internet sex crimes against children, including but not limited to enticement of a child, possession or promotion of child pornography, provide funding for the training of law enforcement personnel and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary equipment, supplies, and services. The funding for such training may be used to cover the travel expenses of those persons participating.

[2.] 3. A panel is hereby established in the department of public safety to award grants under this program and shall be comprised of the following members:

(1) The director of the department of public safety, or his or her designee;

(2) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Police Chiefs Association;

(3) Two members shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri Sheriffs' Association;

(4) Two members of the state highway patrol shall be appointed by the director of the department of public safety from a list of six nominees submitted by the Missouri State Troopers Association;

(5) One member of the house of representatives who shall be appointed by the speaker of the house of representatives; and

(6) One member of the senate who shall be appointed by the president pro tem.

The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall serve a four-year term ending four years from the date of expiration of the term for which his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the expiration of such a term shall be appointed for the remainder of the term. Such members shall hold office for the term of his or her appointment and until a successor is appointed. The
members of the panel shall receive no additional compensation but shall be eligible for reimbursement for mileage directly related to the performance of panel duties.

3. Local matching amounts, which may include new or existing funds or in-kind resources including but not limited to equipment or personnel, are required for multi jurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel.

5. When awarding grants, priority should be given to newly hired detectives and computer forensic personnel.

6. The panel shall establish minimum training standards for detectives and computer forensic personnel participating in the grant program established in subsection 1 of this section.

7. Multi jurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies participating in the grant program established in subsection 1 of this section shall share information and cooperate with the highway patrol and with existing Internet crimes against children task force programs.

8. The panel may make recommendations to the general assembly regarding the need for additional resources or appropriations.

9. The power of arrest of any peace officer who is duly authorized as a member of a multi jurisdictional Internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multi jurisdictional Internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

10. Under section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall
sunset automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

Section B. Because of the need to protect the children of this state, the enactment of section 573.038 and the repeal and reenactment of sections 491.075, 573.025, 573.035, and 573.037, of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, the enactment of section 573.038 and the repeal and reenactment of sections 491.075, 573.025, 573.035, and 573.037, of this act shall be in full force and effect upon its passage and approval.