

FIRST REGULAR SESSION

SENATE BILL NO. 124

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KINDER.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0601S.011

AN ACT

To repeal section 589.417, RSMo 2000, relating to registration of sex offenders, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 589.417, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 589.417 and 589.430, to read as follows:

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies, **and to members of the public pursuant to section 589.430.**

2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county.

3. Law enforcement agencies and their employees, state officials, the departments of public safety, corrections, social services and their employees, independent contractors and staff acting at the direction of these agencies shall be immune from liability in carrying out the provisions of this section and section 589.430, except in instances of gross negligence or willful misconduct.

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

(1) "Director", the director of the department of corrections;

(2) "Local law enforcement agencies", all law enforcement agencies that have jurisdiction in the location where the sex offender resides, is employed, carries on a

vocation or is a student;

(3) "Sex offender", any person required to register pursuant to the provisions of section 589.400.

2. A sex offender shall be assessed on the basis of the offender's risk to commit any act that would require an offender to comply with the provisions of sections 589.400 to 589.425. An assessment of a sex offender shall be conducted in each of the following circumstances:

(1) The department of corrections releases the offender for supervision in the community;

(2) The department of corrections releases the offender from confinement due to completion of sentence or at the direction of a court;

(3) The department of corrections accepts the offender for supervision in the community upon court order;

(4) The department of corrections is advised by the department of another state that the offender is residing, employed, carrying on a vocation or is a student in this state.

3. The risk assessment shall be conducted at least ninety days prior to the offender being released into the community by the department of corrections, or as soon as practicable after the department is aware that the offender should be assessed pursuant to subsection 1 of this section.

4. In making a risk assessment, the department of corrections shall use a risk assessment instrument that considers at a minimum the following factors: the number and nature of sexual offenses committed by the offender; the age of the offender and the victim at the time of the offense; the relationship between the offender and the victim and the degree of vulnerability of the victim; whether force or any weapon was used by the offender in committing the offense; the degree and nature of injury to the victim; and the offender's response to any treatment program that addressed the offender's sexually deviant behavior.

5. Depending on the level of risk determined by the department of corrections, notice shall be provided in accordance with this section and any notice guidelines developed by a notice guideline committee appointed by the director. The notice guideline committee shall be comprised of at least twelve members representing the departments of corrections, public safety, mental health, elementary and secondary education and social services as well as persons with experience in victim's issues, treatment of sex offenders and law enforcement. The committee members shall serve at the discretion of the director and shall receive no compensation but shall be reimbursed by the department of corrections for actual and necessary expenses

incurred in the performance of their duties. In developing notice guidelines, the committee shall have access to records of the department of corrections. Any records reviewed by the committee shall remain confidential, and any meeting of the committee at which such confidential records are reviewed shall be a closed meeting, as defined in chapter 610, RSMo.

6. If the sex offender is determined to be low risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department of corrections shall also forward the results of the risk assessment to all local law enforcement agencies. In response to a question by any member of the public regarding whether or not a particular low risk person is registered with the registry of offenders maintained pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall verbally disclose whether or not the subject of the inquiry is registered, the offense for which the offender was convicted, and the location and telephone number of the local office of the department of corrections providing supervision.

7. If the sex offender is determined to be a moderate risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department of corrections shall also forward the results of the risk assessment to all local law enforcement agencies. The local law enforcement agencies are authorized to provide notice to local schools and day care centers in the area of the offender's residence, employment or place of study in accordance with notice guidelines developed by the notice committee. In response to a question by any member of the public regarding moderate risk sex offenders required to register pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall disclose verbally or through written notice the names of offenders and any known aliases, descriptions of the offenders, the offenders' addresses, the nature of the offenders' convictions, and the location and telephone number of the local office of the department of corrections providing supervision over the offenders.

8. If the sex offender is determined to be high risk, the department of corrections shall notify known victims pursuant to notice guidelines and the departments of public safety and social services with the results of the risk assessment. The department shall also forward the results of the risk assessment to all local law enforcement agencies. The local law enforcement agencies are authorized to provide notice to local schools, day care centers and neighbors in the area of the offender's residence, employment or place of study in accordance with notice guidelines developed by the

notice committee. In response to a question by any member of the public regarding high risk sex offenders required to register pursuant to sections 589.400 to 589.425, the departments of corrections and public safety and local law enforcement agencies shall disclose verbally or through written notice the names of offenders and any known aliases, a description of the offenders, the offenders' addresses, the nature of the offenders' convictions, a copy or access to recent photographs of the offenders, and a description of any motor vehicles owned or operated by the offenders along with license numbers and the locations and telephone numbers at the local office of the department of corrections providing supervision over the offenders.

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