

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 714,
933, 899 & 758**
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, February 21, 2008, with recommendation that the Senate Committee Substitute do pass.

3292S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 43.650, 211.425, 491.075, 566.083, 566.147, 566.149, 573.025, 573.035, 573.037, 573.040, 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-two 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, 566.083, 566.147, 566.149, 573.025, 573.035, 573.037, 573.040, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 43.650, 43.651, 211.425, 491.075, 566.083, 566.147, 566.149, 566.152, 573.025, 573.035, 573.037, 573.038, 573.040, 573.512, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 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 have been convicted of, found guilty of or plead guilty to committing [or], attempting to commit, **or conspiring to commit** sexual offenses shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 included on this web site.

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

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

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

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

18 (3) A physical description of the offender;

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

21 (5) Any photographs of the offender;

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

24 (7) The nature and dates of all offenses qualifying the offender to register;

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

28 (9) Compliance status of the offender with the provisions of section
29 589.400 to 589.425, RSMo; and

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

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

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

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

12 **this state;**

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

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

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

27 **(1) The information obtained by an entity from the state sexual**
28 **offender registry shall not be used for any purpose other than for**
29 **prescreening its users or comparing the database of registered users of**
30 **the entity against the list of online identifiers of persons in the state**
31 **sexual offender registry in order to protect children from online sexual**
32 **predators. The patrol shall promulgate rules and regulations regarding**
33 **the release and use of online identifier information. Any rule or**
34 **portion of a rule, as that term is defined in section 536.010, RSMo, that**
35 **is created under the authority delegated in this section shall become**
36 **effective only if it complies with and is subject to all of the provisions**
37 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
38 **section and chapter 536, RSMo, are nonseverable and if any of the**
39 **powers vested with the general assembly pursuant to chapter 536,**
40 **RSMo, to review, to delay the effective date, or to disapprove and annul**
41 **a rule are subsequently held unconstitutional, then the grant of**
42 **rulemaking authority and any rule proposed or adopted after August**
43 **28, 2008, shall be invalid and void.**

44 **(2) Any entity desiring to prescreen its users or compare its**
45 **database of registered users to the list of online identifiers of persons**
46 **in the state sexual offender registry may apply to the patrol to access**
47 **the information. An entity that complies with the rules and regulations**

48 promulgated by the patrol regarding the release and use of the online
49 identifier information and pays the fee established by the patrol may
50 screen new users or compare its database of registered users to the list
51 of online identifiers of persons in the state sexual offender registry as
52 frequently as the patrol may allow for the purpose of identifying a
53 registered user associated with an online identifier contained in the
54 state sexual offender registry.

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

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

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

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

211.425. 1. Any person who has been adjudicated a delinquent by a
2 juvenile court for committing or attempting to commit a sex-related offense which
3 if committed by an adult would be considered a felony offense pursuant to chapter
4 566, RSMo, including, but not limited to, rape, forcible sodomy, child molestation
5 and sexual abuse, shall be considered a juvenile sex offender and shall be
6 required to register as a juvenile sex offender by complying with the registration
7 requirements provided for in this section, **unless such juvenile adjudicated**
8 **as a delinquent is fourteen years of age or older at the time of the**
9 **offense and the offense adjudicated is comparable to or more severe**
10 **than aggravated sexual abuse, which shall include any attempt or**
11 **conspiracy to commit such offense, in which case, the juvenile shall be**
12 **required to register as an adult sexual offender under sections 589.400**
13 **to 589.425, RSMo.** This requirement shall also apply to any person who is or
14 has been adjudicated a juvenile delinquent in any other state or federal
15 jurisdiction for committing [or], attempting to commit, **or conspiring to**
16 **commit** offenses which would be proscribed herein.

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

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

34 (2) The fingerprints and a photograph of the juvenile.

35 3. Juvenile offices shall maintain the registration forms of those juvenile
36 offenders in their jurisdictions who register as required by this
37 section. Information contained on the registration forms shall be kept
38 confidential and may be released by juvenile offices to only those persons and
39 agencies who are authorized to receive information from juvenile court records as
40 provided by law, including, but not limited to, those specified in section
41 211.321. State agencies having custody of juveniles who fall within the
42 registration requirements of this section shall notify the appropriate juvenile
43 offices when such juvenile offenders are being transferred to a location falling
44 within the jurisdiction of such juvenile offices.

45 4. Any juvenile who is required to register pursuant to this section but
46 fails to do so or who provides false information on the registration form is subject
47 to disposition pursuant to this chapter. Any person seventeen years of age or
48 over who commits such violation is guilty of a class A misdemeanor as provided
49 for in section 211.431.

50 5. Any juvenile to whom the registration requirement of this section
51 applies shall be informed by the official in charge of the juvenile's custody, upon
52 the juvenile's discharge or release from such custody, of the requirement to

53 register pursuant to this section. Such official shall obtain the address where
54 such juvenile expects to register upon being discharged or released and shall
55 report the juvenile's name and address to the juvenile office where the juvenile
56 will be required to register. This requirement to register upon discharge or
57 release from custody does not apply in situations where the juvenile is
58 temporarily released under guard or direct supervision from a detention facility
59 or similar custodial facility.

60 6. The requirement to register as a juvenile sex offender shall terminate
61 upon the juvenile offender reaching age twenty-one, unless such juvenile offender
62 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
2 relating to an offense under chapter 565, 566, [or] 568 or 573, RSMo, performed
3 with or on a child by another, not otherwise admissible by statute or court rule,
4 is admissible in evidence in criminal proceedings in the courts of this state as
5 substantive evidence to prove the truth of the matter asserted if:

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

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

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

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

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

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

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

566.083. 1. A person commits the crime of sexual misconduct involving
2 a child if the person:

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

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

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

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

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

16 4. Sexual misconduct involving a child **or attempted sexual**
17 **misconduct involving a child** is a class D felony unless the actor has
18 previously pleaded guilty to or been found guilty of an offense pursuant to this
19 chapter or the actor has previously pleaded guilty to or has been convicted of an
20 offense against the laws of another state or jurisdiction which would constitute
21 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
2 pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of
3 violating any of the provisions of this chapter or the provisions of subsection 2 of
4 section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare
5 of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child
6 in a sexual performance; section 568.090, RSMo, promoting a sexual performance
7 by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025,
8 RSMo, promoting child pornography in the first degree; section 573.035, RSMo,
9 promoting child pornography in the second degree; section 573.037, RSMo,
10 possession of child pornography, or section 573.040, RSMo, furnishing
11 pornographic material to minors; **or for an offense in any other state or**
12 **foreign country, or under federal, tribal, or military jurisdiction which,**
13 **if committed in this state, would be a violation listed in this section;**

14 shall not reside within one thousand feet of any public school as defined in
15 section 160.011, RSMo, or any private school giving instruction in a grade or
16 grades not higher than the twelfth grade, or child-care facility as defined in
17 section 210.201, RSMo, which is in existence at the time the individual begins to
18 reside at the location.

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

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

30 4. Violation of the provisions of subsection 1 of this section is a class D
31 felony except that the second or any subsequent violation is a class B
32 felony. Violation of the provisions of subsection 2 of this section is a class A
33 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
2 been convicted of, or been found guilty of violating any of the provisions of this
3 chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section
4 568.045, RSMo, endangering the welfare of a child in the first degree; subsection
5 2 of section 568.080, RSMo, use of a child in a sexual performance; section
6 568.090, RSMo, promoting a sexual performance by a child; section 573.023,
7 RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child
8 pornography; or section 573.040, RSMo, furnishing pornographic material to
9 minors; **or for an offense in any other state or foreign country, or under**
10 **tribal, federal, or military jurisdiction which, if committed in this state,**
11 **would be a violation listed in this section;** shall not be present in or loiter
12 within five hundred feet of any school building, on real property comprising any
13 school, or in any conveyance owned, leased, or contracted by a school to transport
14 students to or from school or a school-related activity when persons under the age
15 of eighteen are present in the building, on the grounds, or in the conveyance,
16 unless the offender is a parent, legal guardian, or custodian of a student present

17 in the building and has met the conditions set forth in subsection 2 of this
18 section.

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

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

**566.152. 1. Any person who has pleaded guilty or nolo
2 contendere to, or been convicted of, or been found guilty of:**

3 **(1) Violating any of the provisions of this chapter or the**
4 **provisions of subsection 2 of section 568.020, RSMo, incest; section**
5 **568.045, RSMo, endangering the welfare of a child in the first degree;**
6 **subsection 2 of section 568.080, RSMo, use of a child in a sexual**
7 **performance; section 568.090, RSMo, promoting a sexual performance**
8 **by a child; section 573.023, RSMo, sexual exploitation of a minor;**
9 **section 573.025, RSMo, promoting child pornography; section 573.040,**
10 **RSMo, furnishing pornographic material to minors; or**

11 **(2) Committing any offense in any state or foreign country, or**
12 **under tribal, federal, or military jurisdiction which, if committed in**
13 **this state, would be a violation listed under subdivision (1) of this**
14 **subsection;**

15 **shall not be present in or loiter within five hundred feet of any**
16 **designated camping area or playground located in a state park.**

17 **2. Violation of the provisions of this section shall be a class A**
18 **misdemeanor.**

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

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

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

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

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

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

6 **portraying what appears to be a minor under the age of eighteen.**

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

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

4 2. (1) Notwithstanding Missouri Rule of Criminal Procedure
5 25.03 or any other rule or statute to the contrary, a court shall deny, in
6 any criminal proceeding, any request by the defendant to copy,
7 photograph, duplicate, or otherwise reproduce any property or
8 material that constitutes child pornography, so long as the state makes
9 the property or material reasonably available to the defendant.

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

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

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

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

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

14 minor.

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

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

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

2 (1) **"Adult cabaret", a nightclub, bar, restaurant, or similar**
3 **establishment in which persons regularly appear in a state of nudity or**
4 **seminudity in the performance of their duties;**

5 (2) **"Nudity", the showing of the human male or female genitals,**
6 **pubic area, vulva, anus, anal cleft or anal cleavage with less than a**
7 **fully opaque covering, the showing of the female breast with less than**
8 **a fully opaque covering of any part of the nipple, or the showing of the**
9 **covered male genitals in a discernibly turgid state;**

10 (3) **"Sexually oriented business", an adult cabaret or any business**
11 **which offers its patrons goods of which a substantial or significant**
12 **portion are sexually oriented material. No building, premises,**
13 **structure, or other facility that contains any sexually oriented business**
14 **shall contain any other kind of sexually oriented business;**

15 (4) **"Sexually oriented material", any pictorial or**
16 **three-dimensional material, or film, motion picture, DVD, video**
17 **cassette, or similar photographic reproduction, that depicts nudity or**
18 **sexual conduct, sexual excitement, or sadomasochistic abuse, as defined**
19 **in section 573.010;**

20 (5) **"Specified sexual activities", includes the following acts:**

21 (a) **The fondling or other erotic touching of human genitals,**
22 **pubic region, buttocks, anus, or female breasts;**

23 (b) **Sex acts, actual or simulated, including intercourse, oral**
24 **copulation, masturbation, or sodomy; or**

25 (c) **Excretory functions as part of or in connection with any of**
26 **the activities set forth in this subdivision.**

27 2. **It shall be a class A misdemeanor for a person in a sexually**

28 **oriented business to knowingly and intentionally appear in a state of**
29 **nudity or depict, simulate, or perform specified sexual activities.**

30 **3. The provisions of this section are designed to protect the**
31 **following public policy interest of this state, including but not limited**
32 **to: to mitigate the adverse secondary effects of sexually oriented**
33 **businesses, to limit harm to minors, and to reduce prostitution, crime,**
34 **juvenile delinquency, deterioration in property values and lethargy in**
35 **neighborhood improvement efforts.**

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; felonious restraint when the victim was a child
13 and the defendant is not a parent or guardian of the child; sexual contact or
14 sexual intercourse with a resident of a nursing home, under section 565.200,
15 RSMo; endangering the welfare of a child under section 568.045, RSMo, when the
16 endangerment is sexual in nature; genital mutilation of a female child, under
17 section 568.065, RSMo; promoting prostitution in the first degree; promoting
18 prostitution in the second degree; promoting prostitution in the third degree;
19 sexual exploitation of a minor; promoting child pornography in the first degree;
20 promoting child pornography in the second degree; possession of child
21 pornography; furnishing pornographic material to minors; public display of
22 explicit sexual material; coercing acceptance of obscene material; promoting
23 obscenity in the first degree; promoting pornography for minors or obscenity in
24 the second degree; incest; use of a child in a sexual performance; or promoting
25 sexual performance by a child; and committed or attempted to commit the offense
26 against a victim who is a minor, defined for the purposes of sections 589.400 to
27 589.425 as a person under eighteen years of age; or

28 (3) Any person who, since July 1, 1979, has been committed to the

29 department of mental health as a criminal sexual psychopath; or

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

33 (5) **Any juvenile certified as an adult and transferred to a court**
34 **of general jurisdiction, who has been convicted of, found guilty of, or**
35 **has pleaded guilty or nolo contendere to committing, attempting to**
36 **commit, or conspiring to commit an offense which is comparable to or**
37 **more severe than aggravated sexual abuse, which shall include any**
38 **attempt or conspiracy to commit such offense;**

39 (6) **Any juvenile fourteen years of age or older at the time of the**
40 **offense, who has been adjudicated for an offense which is comparable**
41 **to or more severe than aggravated sexual abuse, which shall include**
42 **any attempt or conspiracy to commit such offense;**

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

51 [(6)] (8) Any person who has been or is required to register in another
52 state or has been or is required to register under **tribal**, federal, or military law
53 and who works or attends [school or training] **an educational institution,**
54 **whether public or private in nature, including any secondary school,**
55 **trade school, professional school, or institution of higher education** on
56 a full-time or on a part-time basis or has a temporary residence in
57 Missouri. "Part-time" in this subdivision means for more than [fourteen] **seven**
58 days in any twelve-month period.

59 2. Any person to whom sections 589.400 to 589.425 apply shall, within
60 [ten] **three** days of conviction, release from incarceration, or placement upon
61 probation, register with the chief law enforcement official of the county or city not
62 within a county in which such person resides unless such person has already
63 registered in that county for the same offense. Any person to whom sections
64 589.400 to 589.425 apply if not currently registered in their county of residence

65 shall register with the chief law enforcement official of such county or city not
66 within a county within [ten] **three** days [of August 28, 2003]. The chief law
67 enforcement official shall forward a copy of the registration form required by
68 section 589.407 to a city, town, village, or campus law enforcement agency located
69 within the county of the chief law enforcement official, if so requested. Such
70 request may ask the chief law enforcement official to forward copies of all
71 registration forms filed with such official. The chief law enforcement official may
72 forward a copy of such registration form to any city, town, village, or campus law
73 enforcement agency, if so requested.

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

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

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

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

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

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

87 5. For processing any change in registration required pursuant to section
88 589.414 the chief law enforcement official of the county or city not within a county
89 may charge the person changing their registration a fee of five dollars for each
90 change made after the initial registration.

91 6. Effective August 28, [2006] **2008**, any person currently on the sexual
92 offender registry for being convicted of, found guilty of, or pleading guilty or nolo
93 contendere to committing, **attempting to commit, or conspiring to commit,**
94 felonious restraint when the victim was a child and he or she was the parent or
95 guardian of the child, nonsexual child abuse that was committed under section
96 568.060, RSMo, or kidnapping when the victim was a child and he or she was the
97 parent or guardian of the child shall be removed from the registry. However,
98 such person shall remain on the sexual offender registry for any other offense for
99 which he or she is required to register under sections 589.400 to 589.425.

100 7. Effective August 28, [2006] **2008**, any person currently on the sexual

101 offender registry for having been convicted of, found guilty of, or having pleaded
102 guilty or nolo contendere to [promoting prostitution in the second degree,
103 promoting prostitution in the third degree, public display of explicit sexual
104 material, statutory rape in the second degree, and no physical force or threat of
105 physical force was used in the commission of the crime], **committing,**
106 **attempting to commit, or conspiring to commit sexual misconduct,**
107 **possession of child pornography, or sexual abuse against an adult that**
108 **involves sexual contact but not a completed or attempted sexual act**
109 may file a petition in the civil division of the circuit court in the county in which
110 the offender was convicted or found guilty of or pled guilty or nolo contendere
111 to **committing, attempting to commit, or conspiring to commit** the offense
112 or offenses for the removal of his or her name from the sexual offender registry
113 after ten years have passed from the date he or she was required to register.

114 8. Effective August 28, [2006] **2008**, any person on the sexual offender
115 registry for having been convicted of, found guilty of, or having pled guilty or nolo
116 contendere to an offense included under subsection 1 of this section may file a
117 petition after two years have passed from the date the offender was convicted or
118 found guilty of or pled guilty or nolo contendere to the offense or offenses in the
119 civil division of the circuit court in the county in which the offender was convicted
120 or found guilty of or pled guilty or nolo contendere to the offense or offenses for
121 removal of his or her name from the registry if such person was nineteen years
122 of age or younger and the victim was thirteen years of age or older at the time of
123 the offense, **and the offender was not more than four years older than the**
124 **victim**, and no physical force or threat of physical force was used in the
125 commission of the offense.

126 9. (1) The court may grant such relief under subsection 7 or 8 of this
127 section if such person demonstrates to the court that he or she has complied with
128 the provisions of this section and is not a current or potential threat to public
129 safety. The prosecuting attorney in the circuit court in which the petition is filed
130 must be given notice, by the person seeking removal from the registry, of the
131 petition to present evidence in opposition to the requested relief or may otherwise
132 demonstrate the reasons why the petition should be denied. Failure of the person
133 seeking removal from the registry to notify the prosecuting attorney of the
134 petition shall result in an automatic denial of such person's petition. If the
135 prosecuting attorney is notified of the petition he or she shall make reasonable
136 efforts to notify the victim of the crime for which the person was required to

137 register of the petition and the dates and times of any hearings or other
138 proceedings in connection with that petition.

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

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

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

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

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

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

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

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

15 (3) A physical description of the offender;

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

18 (5) Any photographs of the offender;

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

21 (7) The nature and dates of all offenses qualifying the offender to register;

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

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

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

33 4. The chief law enforcement officer of any county or city not within a
34 county may publish in any newspaper distributed in the county or city not within
35 a county the sexual offender information provided under subsection 3 of this
36 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
2 is paroled, discharged, or otherwise released from any correctional facility of the
3 department of corrections or any mental health institution where such person was
4 confined shall be informed by the official in charge of such correctional facility or
5 mental health institution of the person's possible duty to register pursuant to
6 sections 589.400 to 589.425. If such person is required to register pursuant to
7 sections 589.400 to 589.425, the official in charge of the correctional facility or the
8 mental health institution shall [obtain the address where the person expects to
9 reside upon discharge, parole or release, and shall report such address]
10 **complete the initial registration prior to release and forward the**
11 **offender's registration, within three business days,** to the chief law
12 enforcement official of the county or city not within a county where the person
13 expects to reside upon discharge, parole or release. **When the person lists an**
14 **address where he or she expects to reside that is not in this state, the**
15 **initial registration shall be forwarded to the Missouri state highway**

16 **patrol.**

589.405. Any person to whom subsection 1 of section 589.400 applies who
2 is released on probation, discharged upon payment of a fine, or released after
3 confinement in a county jail shall, prior to such release or discharge, be informed
4 of the possible duty to register pursuant to sections 589.400 to 589.425 by the
5 court having jurisdiction over the case. If such person is required to register
6 pursuant to sections 589.400 to 589.425, the court shall obtain the address where
7 the person expects to reside upon discharge, parole or release and shall report,
8 **within three business days**, such address to the chief law enforcement official
9 of the county or city not within a county where the person expects to reside, upon
10 discharge, parole or release.

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall
2 consist of completion of an offender registration form developed by the Missouri
3 state highway patrol. Such form shall include, but is not limited to the following:

4 (1) A statement in writing signed by the person, giving the name, address,
5 Social Security number and phone number of the person, the license plate number
6 and vehicle description, including the year, make, model, and color of each vehicle
7 owned or operated by the offender, **any online identifiers, as defined in**
8 **section 43.651, RSMo, used by the person**, the place of employment of such
9 person, enrollment within any institutions of higher education, the crime which
10 requires registration, whether the person was sentenced as a persistent or
11 predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief
12 description of such crime, the date and place of the conviction or plea regarding
13 such crime, the age and gender of the victim at the time of the offense and
14 whether the person successfully completed the Missouri sexual offender program
15 pursuant to section 589.040, if applicable; [and]

16 (2) The fingerprints, **palm prints**, and a photograph of the person; **and**
17 **(3) A DNA sample, if a sample has not already been obtained.**

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

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

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

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

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

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

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

37 within seven days after such change is made.

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

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

45 (1) Any offender registered as a predatory or persistent sexual offender
46 under the definitions found in section 558.018, RSMo;

47 (2) Any offender who is registered for a crime where the victim was less
48 than eighteen years of age at the time of the offense; and

49 (3) Any offender who has pled guilty or been found guilty pursuant to
50 section 589.425 of failing to register or submitting false information when
51 registering.

52 [6.] 4. In addition to the requirements of subsections 1 and 2 of this
53 section, all registrants shall report semiannually in person in the month of their
54 birth and six months thereafter to the chief law enforcement agency to verify the
55 information contained in their statement made pursuant to section 589.407. All
56 registrants shall [provide an updated photograph of himself or herself] **allow the**
57 **chief law enforcement officer to take a current photograph of the**
58 **offender** in the month of his or her birth to the chief law enforcement
59 agency. [The photograph must depict a clear likeness of the registrant or the
60 registrant shall be in violation of this section.]

61 [7.] 5. In addition to the requirements of subsections 1 and 2 of this
62 section, all Missouri registrants who work or attend school or training on a
63 full-time or part-time basis in any other state shall be required to report in
64 person to the chief law enforcement officer in the area of the state where they
65 work or attend school or training and register in that state. "Part-time" in this
66 subsection means for more than [fourteen] **seven** days in any twelve-month
67 period.

589.425. 1. A person commits the crime of failing to register as a sex
2 offender when the person is required to register under sections 589.400 to 589.425
3 and fails to comply with any requirement of sections 589.400 to 589.425. Failing
4 to register as a sex offender is a class [A misdemeanor] **D felony** unless the
5 person is required to register based on having committed an offense in chapter

6 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony
7 involving a child under the age of fourteen, in which case it is a class [D] C
8 felony.

9 2. A person commits the crime of failing to register as a sex offender as
10 a second offense by failing to comply with any requirement of sections 589.400 to
11 589.425 and he or she has previously pled guilty to or has previously been found
12 guilty of failing to register as a sex offender. Failing to register as a sex offender
13 as a second offense is a class D felony unless the person is required to register
14 based on having committed an offense in chapter 566, RSMo, which was an
15 unclassified felony, a class A or B felony, or a felony involving a child under the
16 age of fourteen, in which case it is a class C felony.

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

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

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

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

650.120. 1. Subject to appropriation, the department of public safety shall
2 create a program to distribute grants to multi jurisdictional Internet cyber crime
3 law enforcement task forces, multi jurisdictional enforcement groups, as defined
4 in section 195.503, RSMo, that are investigating Internet sex crimes against
5 children, and other law enforcement agencies. Not more than three percent of the
6 money appropriated may be used by the department to pay the administrative

7 costs of the grant program. The grants shall be awarded and used to pay the
8 salaries of detectives and computer forensic personnel whose focus is
9 investigating Internet sex crimes against children, including but not limited to
10 enticement of a child, possession or promotion of child pornography, provide
11 funding for the training of law enforcement personnel **and prosecuting and**
12 **circuit attorneys as well as their assistant prosecuting and circuit**
13 **attorneys**, and purchase necessary equipment, supplies, and services. The
14 funding for such training may be used to cover the travel expenses of those
15 persons participating.

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

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

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

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

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

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

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

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

42 3. Local matching amounts, which may include new or existing funds or

43 in-kind resources including but not limited to equipment or personnel, are
44 required for multi jurisdictional Internet cyber crime law enforcement task forces
45 and other law enforcement agencies to receive grants awarded by the panel. Such
46 amounts shall be determined by the state appropriations process or by the panel.

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

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

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

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

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

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

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

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

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

 Section B. Because of the need to protect the children of this state, the
2 enactment of section 573.038 and the repeal and reenactment of sections 491.075,
3 573.025, 573.035, and 573.037, of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, the
6 enactment of section 573.038 and the repeal and reenactment of sections 491.075,
7 573.025, 573.035, and 573.037, of this act shall be in full force and effect upon its
8 passage and approval.

✓

Bill

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