

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 714,
933, 899 & 758**
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Offered March 25, 2008.

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TERRY L. SPIELER, Secretary.

3292S.11P

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573.037, 573.040, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, and 650.120, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 43.650, 43.651, 211.425, 491.075, 556.061, 565.153, 566.083, 566.147, 566.149,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

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

6 subsection 4 of this section, if known, on offenders registered in this state
7 pursuant to sections 589.400 to 589.425, RSMo, except that only persons who
8 have been convicted of, found guilty of or plead guilty to committing [or],
9 attempting to commit, **or conspiring to commit** sexual offenses shall be
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 would be considered a felony under**
10 **chapter 566, RSMo, if committed by an adult, which is equal to or more**
11 **severe than aggravated sexual abuse under 18 U.S.C. Section 2241,**
12 **including any attempt or conspiracy to commit such offense, in which**

13 **case, the juvenile shall be required to register as an adult sexual**
14 **offender under sections 589.400 to 589.425, RSMo.** This requirement shall
15 also apply to any person who is or has been adjudicated a juvenile delinquent in
16 any other state or federal jurisdiction for committing [or], attempting to commit,
17 **or conspiring to commit** offenses which would be proscribed herein.

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

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

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

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

46 4. Any juvenile who is required to register pursuant to this section but
47 fails to do so or who provides false information on the registration form is subject
48 to disposition pursuant to this chapter. Any person seventeen years of age or

49 over who commits such violation is guilty of a class A misdemeanor as provided
50 for in section 211.431.

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

61 6. The requirement to register as a juvenile sex offender shall terminate
62 upon the juvenile offender reaching age twenty-one, unless such juvenile offender
63 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.

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

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

4 (2) "Burden of injecting the issue" has the meaning specified in section
5 556.051;

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

11 (4) "Confinement":

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

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

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

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

21 (b) A person is not in confinement if:

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

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

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

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

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

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

38 (6) "Criminal negligence" has the meaning specified in section 562.016,
39 RSMo;

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

42 (8) "Dangerous felony" means the felonies of arson in the first degree,
43 assault in the first degree, attempted forcible rape if physical injury results,
44 attempted forcible sodomy if physical injury results, forcible rape, forcible
45 sodomy, kidnaping, murder in the second degree, assault of a law enforcement
46 officer in the first degree, domestic assault in the first degree, elder abuse in the
47 first degree, robbery in the first degree, statutory rape in the first degree when
48 the victim is a child less than twelve years of age at the time of the commission
49 of the act giving rise to the offense, statutory sodomy in the first degree when the
50 victim is a child less than twelve years of age at the time of the commission of the
51 act giving rise to the offense, and, abuse of a child pursuant to subdivision (2) of
52 subsection 3 of section 568.060, RSMo, [and] child kidnapping, **and parental**
53 **kidnapping committed by detaining or concealing the whereabouts of**
54 **the child for not less than one hundred twenty days under section**
55 **565.153, RSMo;**

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

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

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

64 (12) "Forcible compulsion" means either:

65 (a) Physical force that overcomes reasonable resistance; or

66 (b) A threat, express or implied, that places a person in reasonable fear
67 of death, serious physical injury or kidnapping of such person or another person;

68 (13) "Incapacitated" means that physical or mental condition, temporary
69 or permanent, in which a person is unconscious, unable to appraise the nature of
70 such person's conduct, or unable to communicate unwillingness to an act. A
71 person is not incapacitated with respect to an act committed upon such person if
72 he or she became unconscious, unable to appraise the nature of such person's
73 conduct or unable to communicate unwillingness to an act, after consenting to the
74 act;

75 (14) "Infraction" has the meaning specified in section 556.021;

76 (15) "Inhabitable structure" has the meaning specified in section 569.010,
77 RSMo;

78 (16) "Knowingly" has the meaning specified in section 562.016, RSMo;

79 (17) "Law enforcement officer" means any public servant having both the
80 power and duty to make arrests for violations of the laws of this state, and
81 federal law enforcement officers authorized to carry firearms and to make arrests
82 for violations of the laws of the United States;

83 (18) "Misdemeanor" has the meaning specified in section 556.016;

84 (19) "Offense" means any felony, misdemeanor or infraction;

85 (20) "Physical injury" means physical pain, illness, or any impairment of
86 physical condition;

87 (21) "Place of confinement" means any building or facility and the grounds
88 thereof wherein a court is legally authorized to order that a person charged with
89 or convicted of a crime be held;

90 (22) "Possess" or "possessed" means having actual or constructive
91 possession of an object with knowledge of its presence. A person has actual
92 possession if such person has the object on his or her person or within easy reach
93 and convenient control. A person has constructive possession if such person has
94 the power and the intention at a given time to exercise dominion or control over
95 the object either directly or through another person or persons. Possession may
96 also be sole or joint. If one person alone has possession of an object, possession
97 is sole. If two or more persons share possession of an object, possession is joint;

98 (23) "Public servant" means any person employed in any way by a
99 government of this state who is compensated by the government by reason of such
100 person's employment, any person appointed to a position with any government of
101 this state, or any person elected to a position with any government of this stateIt

102 includes, but is not limited to, legislators, jurors, members of the judiciary and
103 law enforcement officers. It does not include witnesses;

104 (24) "Purposely" has the meaning specified in section 562.016, RSMo;

105 (25) "Recklessly" has the meaning specified in section 562.016, RSMo;

106 (26) "Ritual" or "ceremony" means an act or series of acts performed by
107 two or more persons as part of an established or prescribed pattern of activity;

108 (27) "Serious emotional injury", an injury that creates a substantial risk
109 of temporary or permanent medical or psychological damage, manifested by
110 impairment of a behavioral, cognitive or physical condition. Serious emotional
111 injury shall be established by testimony of qualified experts upon the reasonable
112 expectation of probable harm to a reasonable degree of medical or psychological
113 certainty;

114 (28) "Serious physical injury" means physical injury that creates a
115 substantial risk of death or that causes serious disfigurement or protracted loss
116 or impairment of the function of any part of the body;

117 (29) "Sexual conduct" means acts of human masturbation; deviate sexual
118 intercourse; sexual intercourse; or physical contact with a person's clothed or
119 unclothed genitals, pubic area, buttocks, or the breast of a female in an act of
120 apparent sexual stimulation or gratification;

121 (30) "Sexual contact" means any touching of the genitals or anus of any
122 person, or the breast of any female person, or any such touching through the
123 clothing, for the purpose of arousing or gratifying sexual desire of any person;

124 (31) "Sexual performance", any performance, or part thereof, which
125 includes sexual conduct by a child who is less than seventeen years of age;

126 (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
2 or visitation to a child, a person having a right of custody of the child commits the
3 crime of parental kidnapping if he removes, takes, detains, conceals, or entices
4 away that child within or without the state, without good cause, and with the
5 intent to deprive the custody right of another person or a public agency also
6 having a custody right to that child.

7 2. Parental kidnapping is a class D felony, **unless committed by**
8 **detaining or concealing the whereabouts of the child for:**

9 (1) **Not less than sixty days but not longer than one hundred**
10 **nineteen days, in which case, the crime is a class C felony;**

11 (2) **Not less than one hundred twenty days, in which case, the**

12 **crime is a class B felony.**

13 3. A subsequently obtained court order for custody or visitation shall not
14 affect the application of this section.

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 **fifteen** years of age under circumstances in which he or she knows that his or
5 her 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 **fifteen** years of age for the purpose of arousing or gratifying the sexual desire of
8 any person, including the child; or

9 (3) Knowingly coerces or induces a child less than [fourteen] **fifteen** years
10 of age to expose the child's genitals for the purpose of arousing or gratifying the
11 sexual 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.

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

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

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.**

589.015. As used in sections 589.010 to 589.040:

2 (1) The term "center" shall mean the state center for the prevention and

3 control of sexual assault established pursuant to section 589.030;
4 (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
23 explicit sexual material; coercing acceptance of obscene material; promoting
24 obscenity in the first degree; promoting pornography for minors or obscenity in
25 the second degree; incest; use of a child in a sexual performance; or promoting
26 sexual performance by a child; and committed or attempted to commit the offense
27 against a victim who is a minor, defined for the purposes of sections 589.400 to
28 589.425 as a person under eighteen years of age; or

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

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

34 (5) **Any juvenile certified as an adult and transferred to a court**
35 **of general jurisdiction, who has been convicted of, found guilty of, or**
36 **has pleaded guilty or nolo contendere to committing, attempting to**
37 **commit, or conspiring to commit a felony under chapter 566, RSMo,**
38 **which is equal to or more severe than aggravated sexual abuse under**
39 **18 U.S.C. Section 2241, which shall include any attempt or conspiracy**
40 **to commit such offense;**

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

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

53 **[(6)] (8) Any person who has been or is required to register in another**
54 **state or has been or is required to register under tribal, federal, or military law**
55 **and who works or attends [school or training] an educational institution,**
56 **whether public or private in nature, including any secondary school,**

57 **trade school, professional school, or institution of higher education** on
58 a full-time or on a part-time basis or has a temporary residence in
59 Missouri. "Part-time" in this subdivision means for more than **[fourteen] seven**
60 days in any twelve-month period.

61 2. Any person to whom sections 589.400 to 589.425 apply shall, within
62 **[ten] three** days of conviction, release from incarceration, or placement upon
63 probation, register with the chief law enforcement official of the county or city not
64 within a county in which such person resides unless such person has already
65 registered in that county for the same offense. Any person to whom sections
66 589.400 to 589.425 apply if not currently registered in their county of residence
67 shall register with the chief law enforcement official of such county or city not
68 within a county within **[ten] three** days **[of August 28, 2003]**. The chief law
69 enforcement official shall forward a copy of the registration form required by
70 section 589.407 to a city, town, village, or campus law enforcement agency located
71 within the county of the chief law enforcement official, if so requested. Such
72 request may ask the chief law enforcement official to forward copies of all
73 registration forms filed with such official. The chief law enforcement official may
74 forward a copy of such registration form to any city, town, village, or campus law
75 enforcement agency, if so requested.

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

- 78 (1) All offenses requiring registration are reversed, vacated or set aside;
79 (2) The registrant is pardoned of the offenses requiring registration;
80 (3) The registrant is no longer required to register and his or her name
81 shall be removed from the registry under the provisions of subsection 6 of this
82 section; or
83 (4) The registrant may petition the court for removal from the registry
84 under subsection 7 or 8 of this section and the court orders the removal of such
85 person from the registry.

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

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

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

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

114 8. Effective August 28, 2006, any person on the sexual offender registry
115 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 no physical force or threat of physical force was used in the
124 commission of the offense.

125 9. (1) The court may grant such relief under subsection 7 or 8 of this
126 section if such person demonstrates to the court that he or she has complied with
127 the provisions of this section and is not a current or potential threat to public
128 safety. The prosecuting attorney in the circuit court in which the petition is filed

129 must be given notice, by the person seeking removal from the registry, of the
130 petition to present evidence in opposition to the requested relief or may otherwise
131 demonstrate the reasons why the petition should be denied. Failure of the person
132 seeking removal from the registry to notify the prosecuting attorney of the
133 petition shall result in an automatic denial of such person's petition. If the
134 prosecuting attorney is notified of the petition he or she shall make reasonable
135 efforts to notify the victim of the crime for which the person was required to
136 register of the petition and the dates and times of any hearings or other
137 proceedings in connection with that petition.

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

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

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

68 **6. If a person, who is required to register as a sexual offender**
69 **under sections 589.400 to 589.425, changes or obtains a new online**
70 **identifier as defined in section 43.651, RSMo, the person shall report**
71 **such information in the same manner as a change of residence before**
72 **using such online identifier.**

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.

**589.426. 1. Any person required to register as a sexual offender
2 under sections 589.400 to 589.425 shall be required on October thirty-
3 first of each year to:**

4 **(1) Avoid all Halloween-related contact with children;**

5 **(2) Remain inside his or her residence between the hours of 5
6 p.m. and 10:30 p.m. unless required to be elsewhere for just cause,
7 including but not limited to, employment or medical emergencies;**

8 **(3) Post a sign at his or her residence stating, "No candy or treats
9 at this residence"; and**

10 **(4) Leave all outside residential lighting off during the evening
11 hours after 5 p.m.**

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

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

16 **2. The department of public safety shall create a program to distribute**

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

32 [2.] 3. A panel is hereby established in the department of public safety
33 to award grants under this program and shall be comprised of the following
34 members:

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

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

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

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

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

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

49 The panel members who are appointed under subdivisions (2), (3), and (4) of this
50 subsection shall serve a four-year term ending four years from the date of
51 expiration of the term for which his or her predecessor was appointed. However,
52 a person appointed to fill a vacancy prior to the expiration of such a term shall

53 be appointed for the remainder of the term. Such members shall hold office for
54 the term of his or her appointment and until a successor is appointed. The
55 members of the panel shall receive no additional compensation but shall be
56 eligible for reimbursement for mileage directly related to the performance of
57 panel duties.

58 [3.] 4. Local matching amounts, which may include new or existing funds
59 or in-kind resources including but not limited to equipment or personnel, are
60 required for multi jurisdictional Internet cyber crime law enforcement task forces
61 and other law enforcement agencies to receive grants awarded by the panel. Such
62 amounts shall be determined by the state appropriations process or by the panel.

63 [4.] 5. When awarding grants, priority should be given to newly hired
64 detectives and computer forensic personnel.

65 [5.] 6. The panel shall establish minimum training standards for
66 detectives and computer forensic personnel participating in the grant program
67 established in subsection 1 of this section.

68 [6.] 7. Multi jurisdictional Internet cyber crime law enforcement task
69 forces and other law enforcement agencies participating in the grant program
70 established in subsection 1 of this section shall share information and cooperate
71 with the highway patrol and with existing Internet crimes against children task
72 force programs.

73 [7.] 8. The panel may make recommendations to the general assembly
74 regarding the need for additional resources or appropriations.

75 [8.] 9. The power of arrest of any peace officer who is duly authorized as
76 a member of a multi jurisdictional Internet cyber crime law enforcement task
77 force shall only be exercised during the time such peace officer is an active
78 member of such task force and only within the scope of the investigation on which
79 the task force is working. Notwithstanding other provisions of law to the
80 contrary, such task force officer shall have the power of arrest, as limited in this
81 subsection, anywhere in the state and shall provide prior notification to the chief
82 of police of a municipality or the sheriff of the county in which the arrest is to
83 take place. If exigent circumstances exist, such arrest may be made and
84 notification shall be made to the chief of police or sheriff as appropriate and as
85 soon as practical. The chief of police or sheriff may elect to work with the multi
86 jurisdictional Internet cyber crime law enforcement task force at his or her option
87 when such task force is operating within the jurisdiction of such chief of police or
88 sheriff.

89 **[9.] 10.** Under section 23.253, RSMo, of the Missouri sunset act:

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

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

96 (3) This section shall terminate on September first of the calendar year
97 immediately following the calendar year in which the program authorized under
98 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.

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