

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 250

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEHOE.

Read 1st time February 9, 2011, and ordered printed.

Read 2nd time February 10, 2011, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee March 10, 2011, with recommendation that the bill do pass.

Taken up for Perfection March 16, 2011. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1451S.01P

AN ACT

To repeal sections 566.147 and 589.040, RSMo, and to enact in lieu thereof two new sections relating to requirements for persons convicted of sexual assault offenses, with penalty provisions.

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

Section A. Sections 566.147 and 589.040, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 566.147 and 589.040, to read as follows:

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, use of a child in a sexual performance; section 568.090, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section; shall not reside within one thousand feet of:

(a) Any public school as defined in section 160.011[, or];

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

15 **(b)** Any private school giving instruction in a grade or grades not higher
16 than the twelfth grade[, or];

17 **(c)** Any child-care facility [as defined in section 210.201, which] **that is**
18 **licensed under chapter 210; or**

19 **(d)** Any residence, business, nonprofit organization, or church
20 **that holds itself out to be a child-care facility;**
21 **where the school or facility** is in existence at the time the individual begins
22 to reside at the location.

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

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

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

589.040. 1. The director of the department of corrections shall develop a
2 program of treatment, education and rehabilitation for all imprisoned offenders
3 who are serving sentences for sexual assault offenses. When developing such
4 programs, the ultimate goal shall be the prevention of future sexual assaults by
5 the participants in such programs, and the director shall utilize those concepts,
6 services, programs, projects, facilities and other resources designed to achieve this
7 goal.

8 2. All persons imprisoned by the department of corrections for sexual
9 assault offenses shall be required to successfully complete the programs
10 developed pursuant to subsection 1 of this section **prior to being eligible for**
11 **parole or conditional release.**