

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ SCS/House Bill No. 301, Page 1, Section Title, Line 3,

2 by striking the words "civil commitment of sexually violent  
3 predators" and inserting in lieu thereof the following: "sex  
4 offenders"; and

5 Further amend said bill and page, Section A, line 3 by  
6 inserting after all of said line the following:

7 "43.650. 1. The patrol shall, subject to appropriation,  
8 maintain a [web page] website on the internet which shall be open  
9 to the public and shall include a registered sexual offender  
10 search capability.

11 2. The registered sexual offender search shall make it  
12 possible for any person using the internet to search for and find  
13 the information specified in subsection 4 of this section, if  
14 known, on offenders registered in this state pursuant to sections  
15 589.400 to 589.425, except that only persons who have been  
16 convicted of, found guilty of or plead guilty to committing,  
17 attempting to commit, or conspiring to commit sexual offenses  
18 shall be included on this website.

19 3. The registered sexual offender search shall include the  
20 capability to search for sexual offenders by name, zip code, and  
21 by typing in an address and specifying a search within a certain

1 number of miles radius from that address.

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

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

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

7 (3) A physical description of the offender;

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

11 (5) Any photographs of the offender;

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

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

16 (8) The date on which the offender was released from the  
17 department of mental health, prison, or jail, or placed on  
18 parole, supervised release, or probation for the offenses  
19 qualifying the offender to register;

20 (9) Compliance status of the offender with the provisions  
21 of section 589.400 to 589.425; and

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

28 5. Beginning August 28, 2013, no offender's information  
29 whose offense was committed in the state of Missouri, or in any

1 other state, when such offender was a juvenile shall be listed on  
2 the website. Effective August 28, 2013, any offender currently  
3 on the website who was required to register as a sex offender  
4 under section 589.400, based on an offense that occurred when  
5 such offender was a juvenile shall be immediately removed from  
6 the website. For purposes of this subsection, "juvenile" shall  
7 mean any person under eighteen years of age.

8 589.400. 1. Sections 589.400 to 589.425 shall apply to:

9 (1) Any person who, since July 1, 1979, has been or is  
10 hereafter convicted of, been found guilty of, or pled guilty or  
11 nolo contendere to committing, attempting to commit, or  
12 conspiring to commit a felony offense of chapter 566, including  
13 sexual trafficking of a child and sexual trafficking of a child  
14 under the age of twelve, or any offense of chapter 566 where the  
15 victim is a minor, unless such person is [exempted] exempt from  
16 registering under subsection [8] 9 of this section; or

17 (2) Any person who, since July 1, 1979, has been or is  
18 hereafter convicted of, been found guilty of, or pled guilty or  
19 nolo contendere to committing, attempting to commit, or  
20 conspiring to commit one or more of the following offenses:  
21 kidnapping when the victim was a child and the defendant was not  
22 a parent or guardian of the child; abuse of a child under section  
23 568.060 when such abuse is sexual in nature; felonious restraint  
24 when the victim was a child and the defendant is not a parent or  
25 guardian of the child; sexual contact or sexual intercourse with  
26 a resident of a nursing home, under section 565.200; endangering  
27 the welfare of a child under section 568.045 when the  
28 endangerment is sexual in nature; genital mutilation of a female  
29 child, under section 568.065; promoting prostitution in the first

1 degree; promoting prostitution in the second degree; promoting  
2 prostitution in the third degree; sexual exploitation of a minor;  
3 promoting child pornography in the first degree; promoting child  
4 pornography in the second degree; possession of child  
5 pornography; furnishing pornographic material to minors; public  
6 display of explicit sexual material; coercing acceptance of  
7 obscene material; promoting obscenity in the first degree;  
8 promoting pornography for minors or obscenity in the second  
9 degree; incest; use of a child in a sexual performance; or  
10 promoting sexual performance by a child; or

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

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

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

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

29 (7) Any person who is a resident of this state who has,

1 since July 1, 1979, or is hereafter convicted of, been found  
2 guilty of, or pled guilty to or nolo contendere in any other  
3 state, or foreign country, or under federal, tribal, or military  
4 jurisdiction to committing, attempting to commit, or conspiring  
5 to commit an offense which, if committed in this state, would be  
6 a violation of chapter 566, or a felony violation of any offense  
7 listed in subdivision (2) of this subsection or has been or is  
8 required to register in another state or has been or is required  
9 to register under tribal, federal, or military law unless such  
10 person's name has been removed from the registry pursuant to  
11 subsection 4 of this section and such person has not been found  
12 guilty of a subsequent offense requiring registration under this  
13 section; or

14 (8) Any person who has been or is required to register in  
15 another state or has been or is required to register under  
16 tribal, federal, or military law and who works or attends an  
17 educational institution, whether public or private in nature,  
18 including any secondary school, trade school, professional  
19 school, or institution of higher education on a full-time or on a  
20 part-time basis or has a temporary residence in Missouri unless  
21 such person's name has been removed from the registry pursuant to  
22 subsection 4 of this section and such person has not been found  
23 guilty of a subsequent offense requiring registration under this  
24 section. "Part-time" in this subdivision means for more than  
25 seven days in any twelve-month period.

26 2. Any person to whom sections 589.400 to 589.425 apply  
27 shall, within three days of conviction, release from  
28 incarceration, or placement upon probation, register with the  
29 chief law enforcement official of the county or city not within a

1 county in which such person resides unless such person has  
2 already registered in that county for the same offense. Any  
3 person to whom sections 589.400 to 589.425 apply if not currently  
4 registered in their county of residence shall register with the  
5 chief law enforcement official of such county or city not within  
6 a county within three days. The chief law enforcement official  
7 shall forward a copy of the registration form required by section  
8 589.407 to a city, town, village, or campus law enforcement  
9 agency located within the county of the chief law enforcement  
10 official, if so requested. Such request may ask the chief law  
11 enforcement official to forward copies of all registration forms  
12 filed with such official. The chief law enforcement official may  
13 forward a copy of such registration form to any city, town,  
14 village, or campus law enforcement agency, if so requested.

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

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

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

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

24 (4) The registrant may petition the court for removal or  
25 exemption from the registry under subsection [7 or 8] 4, 8, or 9  
26 of this section and the court orders the removal or exemption of  
27 such person from the registry.

28 4. Any person on the sexual offender registry under  
29 subdivision (5) or (6) of subsection 1 of this section may file a

1 petition for removal from the registry after five years have  
2 passed from the later of the date the offender was found guilty  
3 of the offense that requires registration or the date the person  
4 was released from custody for such offense. The petition may be  
5 filed in the circuit court in the county in which the person was  
6 found guilty of the offense, or, if the offense was adjudicated  
7 outside the state, the person may file a petition in the circuit  
8 court in the county in which the person resides after such person  
9 has been a resident of Missouri for at least five years prior to  
10 filing the petition. The court shall grant the petition and  
11 enter an order directing the removal of the petitioner's name and  
12 information from the sexual offender registry unless it finds  
13 that the petitioner, in this state or any other state, territory,  
14 the District of Columbia, foreign country, or federal, tribal, or  
15 military jurisdiction:

16 (1) Has been adjudicated of, or has charges pending, for  
17 failure to register;

18 (2) Has been adjudicated of, or has charges pending for,  
19 any additional offense which would require registration as a  
20 sexual offender under this section, or section 211.425, and which  
21 occurred after the date such person initially registered as a  
22 sexual offender;

23 (3) Has not successfully completed any required period of  
24 supervised release, probation, or parole; or

25 (4) If the petitioner's offense was adjudicated outside the  
26 state, such person has not been a resident of Missouri for at  
27 least five years prior to filing the petition.

28  
29 If the petition was not granted solely because the petitioner had

1 charges pending for failure to register or an additional offense  
2 that would require registration and such charges are subsequently  
3 dismissed or the petitioner is acquitted of the pending charges,  
4 the person may file a new petition at any time after the  
5 dismissal or acquittal of the pending charges. If the denial is  
6 based on a finding of guilt for an offense that would require  
7 registration under this section, or section 211.425, no  
8 successive petition shall be filed. If the denial is based on a  
9 finding of guilt for failure to register, the person may file a  
10 new petition after five years have passed from the date the  
11 person was found guilty for failure to register. If the denial  
12 is based on the petitioner not completing a required period of  
13 supervised release, probation, or parole and the petitioner  
14 subsequently completes the period of supervised release,  
15 probation, or parole, then the person may file a new petition at  
16 any time after completing such period of release, probation, or  
17 parole. If the petition is denied because the petitioner's  
18 offense was adjudicated outside the state and the petitioner has  
19 not been a resident of Missouri for at least five years prior to  
20 filing the petition, such person may file a new petition at any  
21 time after residing in the state for the required five-year  
22 period. Beginning August 28, 2013, information regarding any  
23 person whose offense was committed in Missouri, or in any other  
24 state, when such person was under eighteen years of age shall be  
25 immediately removed from the highway patrol's website created  
26 under section 43.650 and any local law enforcement website  
27 allowed under section 589.402 regardless of whether such person  
28 has a petition granted under this subsection.

29 5. For processing an initial sex offender registration the



1 chief law enforcement officer of the county or city not within a  
2 county may charge the offender registering a fee of up to ten  
3 dollars.

4 [5.] 6. For processing any change in registration required  
5 pursuant to section 589.414 the chief law enforcement official of  
6 the county or city not within a county may charge the person  
7 changing their registration a fee of five dollars for each change  
8 made after the initial registration.

9 [6.] 7. Any person currently on the sexual offender  
10 registry for being convicted of, found guilty of, or pleading  
11 guilty or nolo contendere to committing, attempting to commit, or  
12 conspiring to commit, felonious restraint when the victim was a  
13 child and he or she was the parent or guardian of the child,  
14 nonsexual child abuse that was committed under section 568.060,  
15 or kidnapping when the victim was a child and he or she was the  
16 parent or guardian of the child shall be removed from the  
17 registry. However, such person shall remain on the sexual  
18 offender registry for any other offense for which he or she is  
19 required to register under sections 589.400 to 589.425.

20 [7.] 8. Any person currently on the sexual offender  
21 registry for having been convicted of, found guilty of, or having  
22 pleaded guilty or nolo contendere to committing, attempting to  
23 commit, or conspiring to commit promoting prostitution in the  
24 second degree, promoting prostitution in the third degree, public  
25 display of explicit sexual material, statutory rape in the second  
26 degree, and no physical force or threat of physical force was  
27 used in the commission of the crime may file a petition in the  
28 civil division of the circuit court in the county in which the  
29 offender was convicted or found guilty of or pled guilty or nolo

1        contendere to committing, attempting to commit, or conspiring to  
2        commit the offense or offenses for the removal of his or her name  
3        from the sexual offender registry after ten years have passed  
4        from the date he or she was required to register.

5            [8.] 9. Effective August 28, 2009, any person on the sexual  
6        offender registry for having been convicted of, found guilty of,  
7        or having pled guilty or nolo contendere to an offense included  
8        under subsection 1 of this section may file a petition after two  
9        years have passed from the date the offender was convicted or  
10       found guilty of or pled guilty or nolo contendere to the offense  
11       or offenses in the civil division of the circuit court in the  
12       county in which the offender was convicted or found guilty of or  
13       pled guilty or nolo contendere to the offense or offenses for  
14       removal of his or her name from the registry if such person was  
15       nineteen years of age or younger and the victim was thirteen  
16       years of age or older at the time of the offense and no physical  
17       force or threat of physical force was used in the commission of  
18       the offense, unless such person meets the qualifications of this  
19       subsection, and such person was eighteen years of age or younger  
20       at the time of the offense, and is convicted or found guilty of  
21       or pleads guilty or nolo contendere to a violation of section  
22       566.068, 566.090, 566.093, or 566.095 when such offense is a  
23       misdemeanor, in which case, such person may immediately file a  
24       petition to remove or exempt his or her name from the registry  
25       upon his or her conviction or finding or pleading of guilty or  
26       nolo contendere to such offense.

27            [9.] 10. (1) The court may grant such relief under  
28        subsection [7] 8 or [8] 9 of this section if such person  
29        demonstrates to the court that he or she has complied with the

1 provisions of this section and is not a current or potential  
2 threat to public safety. The prosecuting attorney in the circuit  
3 court in which the petition is filed must be given notice, by the  
4 person seeking removal or exemption from the registry, of the  
5 petition to present evidence in opposition to the requested  
6 relief or may otherwise demonstrate the reasons why the petition  
7 should be denied. Failure of the person seeking removal or  
8 exemption from the registry to notify the prosecuting attorney of  
9 the petition shall result in an automatic denial of such person's  
10 petition. If the prosecuting attorney is notified of the  
11 petition he or she shall make reasonable efforts to notify the  
12 victim of the crime for which the person was required to register  
13 of the petition and the dates and times of any hearings or other  
14 proceedings in connection with that petition.

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

24 [10.] 11. Any nonresident worker or nonresident student  
25 shall register for the duration of such person's employment or  
26 attendance at any school of higher education and is not entitled  
27 to relief under the provisions of subsection [9] 10 of this  
28 section. Any registered offender from another state who has a  
29 temporary residence in this state and resides more than seven

1 days in a twelve-month period shall register for the duration of  
2 such person's temporary residency and is not entitled to the  
3 provisions of subsection ~~[9]~~ 10 of this section.

4 ~~[11.]~~ 12. Any person whose name is removed or exempted from  
5 the sexual offender registry under subsection ~~[7]~~ 8 or ~~[8]~~ 9 of  
6 this section shall no longer be required to fulfill the  
7 registration requirements of sections 589.400 to 589.425, unless  
8 such person is required to register for committing another  
9 offense after being removed from the registry.

10 589.402. 1. The chief law enforcement officer of the  
11 county or city not within a county may maintain a ~~[web page]~~  
12 website on the internet, which shall be open to the public and  
13 shall include a registered sexual offender search capability.

14 2. The registered sexual offender search shall make it  
15 possible for any person using the internet to search for and find  
16 the information specified in subsection 3 of this section, if  
17 known, on offenders registered in this state pursuant to sections  
18 589.400 to 589.425, except that only persons who have been  
19 convicted of, found guilty of, or plead guilty to committing,  
20 attempting to commit, or conspiring to commit sexual offenses  
21 shall be included on this website.

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

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

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

27 (3) A physical description of the offender;

28 (4) The residence, temporary, work, and school addresses of  
29 the offender, including the street address, city, county, state,

1 and zip code;

2 (5) Any photographs of the offender;

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

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

7 (8) The date on which the offender was released from the  
8 department of mental health, prison, or jail, or placed on  
9 parole, supervised release, or probation for the offenses  
10 qualifying the offender to register;

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

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

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

24 5. Beginning August 28, 2013, no offender's information  
25 whose offense was committed in the state of Missouri, or in any  
26 other state, when such offender was a juvenile shall be listed on  
27 the website. Effective August 28, 2013, any offender currently  
28 on the website who was required to register as a sex offender  
29 under section 589.400, based on an offense that occurred when

1 such offender was a juvenile shall be immediately removed from  
2 the website. For purposes of this subsection, "juvenile" shall  
3 mean any person under eighteen years of age."; and

4 Further amend the title and enacting clause accordingly.