

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend _____ Senate _____ Bill No. 793, Page 25, Section 221.044, Line 6,

2 by inserting after all of said line the following:

3 "567.020. 1. A person commits the offense of prostitution
4 if he or she engages in or offers or agrees to engage in sexual
5 conduct with another person in return for something of value to
6 be received by any person.

7 2. The offense of prostitution is a class B misdemeanor
8 unless the person knew prior to performing the act of
9 prostitution that he or she was infected with HIV in which case
10 prostitution is a class B felony. The use of condoms is not a
11 defense to this offense.

12 3. As used in this section, "HIV" means the human
13 immunodeficiency virus that causes acquired immunodeficiency
14 syndrome.

15 4. The judge may order a drug and alcohol abuse treatment
16 program for any person found guilty of prostitution, either after
17 trial or upon a plea of guilty, before sentencing. For the class
18 B misdemeanor offense, upon the successful completion of such
19 program by the defendant, the court may at its discretion allow
20 the defendant to withdraw the plea of guilty or reverse the
21 verdict and enter a judgment of not guilty. For the class B

1 felony offense, the court shall not allow the defendant to
2 withdraw the plea of guilty or reverse the verdict and enter a
3 judgment of not guilty. The judge, however, has discretion to
4 take into consideration successful completion of a drug or
5 alcohol treatment program in determining the defendant's
6 sentence.

7 5. In addition to the affirmative defense provided in
8 subsection 2 of section 566.223, it shall be an affirmative
9 defense to prosecution pursuant to this section that the
10 defendant was under the age of eighteen and was acting under the
11 influence of an agent at the time of the offense charged.

12 567.030. 1. A person commits the offense of patronizing
13 prostitution if he or she:

14 (1) Pursuant to a prior understanding, gives something of
15 value to another person as compensation for having engaged in
16 sexual conduct with any person; or

17 (2) Gives or agrees to give something of value to another
18 person with the understanding that such person or another person
19 will engage in sexual conduct with any person; or

20 (3) Solicits or requests another person to engage in sexual
21 conduct with any person in return for something of value.

22 2. It shall not be a defense that the person believed that
23 the individual he or she patronized for prostitution was eighteen
24 years of age or older.

25 3. The offense of patronizing prostitution is a class B
26 misdemeanor, unless the individual who the person patronizes is
27 less than eighteen years of age but older than fourteen years of
28 age, in which case patronizing prostitution is a class [A
29 misdemeanor] E felony.

1 4. The offense of patronizing prostitution is a class [E] D
2 felony if the individual who the person patronizes is fourteen
3 years of age or younger. Nothing in this section shall preclude
4 the prosecution of an individual for the offenses of:

5 (1) Statutory rape in the first degree pursuant to section
6 566.032;

7 (2) Statutory rape in the second degree pursuant to section
8 566.034;

9 (3) Statutory sodomy in the first degree pursuant to
10 section 566.062; or

11 (4) Statutory sodomy in the second degree pursuant to
12 section 566.064.

13 567.060. 1. A person commits the offense of promoting
14 prostitution in the second degree if he or she knowingly:

15 (1) Promotes prostitution by managing, supervising,
16 controlling or owning, either alone or in association with
17 others, a house of prostitution or a prostitution business or
18 enterprise involving prostitution activity by two or more
19 prostitutes; or

20 (2) Promotes prostitution of a person sixteen or seventeen
21 years of age.

22 2. The offense of promoting prostitution in the second
23 degree is a class D felony.

24 589.400. 1. Sections 589.400 to 589.425 shall apply to:

25 (1) Any person who, since July 1, 1979, has been or is
26 hereafter convicted of, been found guilty of, or pled guilty or
27 nolo contendere to committing, attempting to commit, or
28 conspiring to commit a felony offense of chapter 566, including
29 sexual trafficking of a child and sexual trafficking of a child

1 under the age of twelve, or any offense of chapter 566 where the
2 victim is a minor, unless such person is exempted from
3 registering under subsection 8 of this section; or

4 (2) Any person who, since July 1, 1979, has been or is
5 hereafter convicted of, been found guilty of, or pled guilty or
6 nolo contendere to committing, attempting to commit, or
7 conspiring to commit one or more of the following offenses:
8 kidnapping or kidnapping in the first degree when the victim was
9 a child and the defendant was not a parent or guardian of the
10 child; abuse of a child under section 568.060 when such abuse is
11 sexual in nature; felonious restraint or kidnapping in the second
12 degree when the victim was a child and the defendant is not a
13 parent or guardian of the child; sexual contact or sexual
14 intercourse with a resident of a nursing home or sexual conduct
15 with a nursing facility resident or vulnerable person in the
16 first or second degree; endangering the welfare of a child under
17 section 568.045 when the endangerment is sexual in nature;
18 genital mutilation of a female child, under section 568.065;
19 promoting prostitution in the first degree; promoting
20 prostitution in the second degree; promoting prostitution in the
21 third degree; sexual exploitation of a minor; promoting child
22 pornography in the first degree; promoting child pornography in
23 the second degree; possession of child pornography; furnishing
24 pornographic material to minors; public display of explicit
25 sexual material; coercing acceptance of obscene material;
26 promoting obscenity in the first degree; promoting pornography
27 for minors or obscenity in the second degree; incest; use of a
28 child in a sexual performance; or promoting sexual performance by
29 a child; patronizing prostitution if the individual the person

1 patronizes is less than eighteen years of age; or

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

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

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

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

20 (7) Any person who is a resident of this state who has,
21 since July 1, 1979, or is hereafter convicted of, been found
22 guilty of, or pled guilty to or nolo contendere in any other
23 state, or foreign country, or under federal, tribal, or military
24 jurisdiction to committing, attempting to commit, or conspiring
25 to commit an offense which, if committed in this state, would be
26 a violation of chapter 566, or a felony violation of any offense
27 listed in subdivision (2) of this subsection or has been or is
28 required to register in another state or has been or is required
29 to register under tribal, federal, or military law; or

1 (8) Any person who has been or is required to register in
2 another state or has been or is required to register under
3 tribal, federal, or military law and who works or attends an
4 educational institution, whether public or private in nature,
5 including any secondary school, trade school, professional
6 school, or institution of higher education on a full-time or on a
7 part-time basis or has a temporary residence in Missouri.
8 "Part-time" in this subdivision means for more than seven days in
9 any twelve-month period.

10 2. Any person to whom sections 589.400 to 589.425 apply
11 shall, within three days of conviction, release from
12 incarceration, or placement upon probation, register with the
13 chief law enforcement official of the county or city not within a
14 county in which such person resides unless such person has
15 already registered in that county for the same offense. Any
16 person to whom sections 589.400 to 589.425 apply if not currently
17 registered in their county of residence shall register with the
18 chief law enforcement official of such county or city not within
19 a county within three days. The chief law enforcement official
20 shall forward a copy of the registration form required by section
21 589.407 to a city, town, village, or campus law enforcement
22 agency located within the county of the chief law enforcement
23 official, if so requested. Such request may ask the chief law
24 enforcement official to forward copies of all registration forms
25 filed with such official. The chief law enforcement official may
26 forward a copy of such registration form to any city, town,
27 village, or campus law enforcement agency, if so requested.

28 3. The registration requirements of sections 589.400
29 through 589.425 are lifetime registration requirements unless:

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

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

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

8 (4) The registrant may petition the court for removal or
9 exemption from the registry under subsection 7 or 8 of this
10 section and the court orders the removal or exemption of such
11 person from the registry.

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

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

21 6. Any person currently on the sexual offender registry for
22 being convicted of, found guilty of, or pleading guilty or nolo
23 contendere to committing, attempting to commit, or conspiring to
24 commit, felonious restraint when the victim was a child and he or
25 she was the parent or guardian of the child, nonsexual child
26 abuse that was committed under section 568.060, or kidnapping
27 when the victim was a child and he or she was the parent or
28 guardian of the child shall be removed from the registry.
29 However, such person shall remain on the sexual offender registry

1 for any other offense for which he or she is required to register
2 under sections 589.400 to 589.425.

3 7. Any person currently on the sexual offender registry for
4 having been convicted of, found guilty of, or having pleaded
5 guilty or nolo contendere to committing, attempting to commit, or
6 conspiring to commit promoting prostitution in the second degree,
7 promoting prostitution in the third degree, public display of
8 explicit sexual material, statutory rape in the second degree,
9 and no physical force or threat of physical force was used in the
10 commission of the crime may file a petition in the civil division
11 of the circuit court in the county in which the offender was
12 convicted or found guilty of or pled guilty or nolo contendere to
13 committing, attempting to commit, or conspiring to commit the
14 offense or offenses for the removal of his or her name from the
15 sexual offender registry after ten years have passed from the
16 date he or she was required to register.

17 8. Effective August 28, 2009, any person on the sexual
18 offender registry for having been convicted of, found guilty of,
19 or having pled guilty or nolo contendere to an offense included
20 under subsection 1 of this section may file a petition after two
21 years have passed from the date the offender was convicted or
22 found guilty of or pled guilty or nolo contendere to the offense
23 or offenses in the civil division of the circuit court in the
24 county in which the offender was convicted or found guilty of or
25 pled guilty or nolo contendere to the offense or offenses for
26 removal of his or her name from the registry if such person was
27 nineteen years of age or younger and the victim was thirteen
28 years of age or older at the time of the offense and no physical
29 force or threat of physical force was used in the commission of

1 the offense, unless such person meets the qualifications of this
2 subsection, and such person was eighteen years of age or younger
3 at the time of the offense, and is convicted or found guilty of
4 or pleads guilty or nolo contendere to a violation of section
5 566.068, 566.090, 566.093, or 566.095 when such offense is a
6 misdemeanor, in which case, such person may immediately file a
7 petition to remove or exempt his or her name from the registry
8 upon his or her conviction or finding or pleading of guilty or
9 nolo contendere to such offense.

10 9. (1) The court may grant such relief under subsection 7
11 or 8 of this section if such person demonstrates to the court
12 that he or she has complied with the provisions of this section
13 and is not a current or potential threat to public safety. The
14 prosecuting attorney in the circuit court in which the petition
15 is filed must be given notice, by the person seeking removal or
16 exemption from the registry, of the petition to present evidence
17 in opposition to the requested relief or may otherwise
18 demonstrate the reasons why the petition should be denied.
19 Failure of the person seeking removal or exemption from the
20 registry to notify the prosecuting attorney of the petition shall
21 result in an automatic denial of such person's petition. If the
22 prosecuting attorney is notified of the petition he or she shall
23 make reasonable efforts to notify the victim of the crime for
24 which the person was required to register of the petition and the
25 dates and times of any hearings or other proceedings in
26 connection with that petition.

27 (2) If the petition is denied, such person shall wait at
28 least twelve months before petitioning the court again. If the
29 court finds that the petitioner is entitled to relief, which

1 removes or exempts such person's name from the registry, a
2 certified copy of the written findings or order shall be
3 forwarded by the court to the chief law enforcement official
4 having jurisdiction over the offender and to the Missouri state
5 highway patrol in order to have such person's name removed or
6 exempted from the registry.

7 10. Any nonresident worker or nonresident student shall
8 register for the duration of such person's employment or
9 attendance at any school of higher education and is not entitled
10 to relief under the provisions of subsection 9 of this section.
11 Any registered offender from another state who has a temporary
12 residence in this state and resides more than seven days in a
13 twelve-month period shall register for the duration of such
14 person's temporary residency and is not entitled to the
15 provisions of subsection 9 of this section.

16 11. Any person whose name is removed or exempted from the
17 sexual offender registry under subsection 7 or 8 of this section
18 shall no longer be required to fulfill the registration
19 requirements of sections 589.400 to 589.425, unless such person
20 is required to register for committing another offense after
21 being removed from the registry."; and

22 Further amend the title and enacting clause accordingly.