

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 coercion, as defined in section 566.200, of an agent at the time
12 of the offense charged.

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

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

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

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

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

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

1 misdemeanor] E felony.

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

6 (1) Statutory rape in the first degree pursuant to section
7 566.032;

8 (2) Statutory rape in the second degree pursuant to section
9 566.034;

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

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

14 567.050. 1. A person commits the offense of promoting
15 prostitution in the first degree if he or she knowingly:

16 (1) Promotes prostitution by compelling a person to enter
17 into, engage in, or remain in prostitution; or

18 (2) Promotes prostitution of a person less than sixteen
19 years of age.

20 2. The term "compelling" includes:

21 (1) The use of forcible compulsion;

22 (2) The use of a drug or intoxicating substance to render a
23 person incapable of controlling his conduct or appreciating its
24 nature;

25 (3) Withholding or threatening to withhold dangerous drugs
26 or a narcotic from a drug dependent person.

27 3. The offense of promoting prostitution in the first
28 degree under subdivision (1) of subsection 1 of this section is a
29 class B felony. The offense of promoting prostitution in the

1 first degree under subdivision (2) of subsection 1 of this
2 section is a felony punishable by a term of imprisonment not less
3 than ten years and not to exceed fifteen years.

4 567.060. 1. A person commits the offense of promoting
5 prostitution in the second degree if he or she knowingly:

6 (1) Promotes prostitution by managing, supervising,
7 controlling or owning, either alone or in association with
8 others, a house of prostitution or a prostitution business or
9 enterprise involving prostitution activity by two or more
10 prostitutes; or

11 (2) Promotes prostitution of a person sixteen or seventeen
12 years of age.

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

15 589.400. 1. Sections 589.400 to 589.425 shall apply to:

16 (1) Any person who, since July 1, 1979, has been or is
17 hereafter convicted of, been found guilty of, or pled guilty or
18 nolo contendere to committing, attempting to commit, or
19 conspiring to commit a felony offense of chapter 566, including
20 sexual trafficking of a child and sexual trafficking of a child
21 under the age of twelve, or any offense of chapter 566 where the
22 victim is a minor, unless such person is exempted from
23 registering under subsection 8 of this section; or

24 (2) Any person who, since July 1, 1979, has been or is
25 hereafter convicted of, been found guilty of, or pled guilty or
26 nolo contendere to committing, attempting to commit, or
27 conspiring to commit one or more of the following offenses:
28 kidnapping or kidnapping in the first degree when the victim was
29 a child and the defendant was not a parent or guardian of the

1 child; abuse of a child under section 568.060 when such abuse is
2 sexual in nature; felonious restraint or kidnapping in the second
3 degree when the victim was a child and the defendant is not a
4 parent or guardian of the child; sexual contact or sexual
5 intercourse with a resident of a nursing home or sexual conduct
6 with a nursing facility resident or vulnerable person in the
7 first or second degree; endangering the welfare of a child under
8 section 568.045 when the endangerment is sexual in nature;
9 genital mutilation of a female child, under section 568.065;
10 promoting prostitution in the first degree; promoting
11 prostitution in the second degree; promoting prostitution in the
12 third degree; sexual exploitation of a minor; promoting child
13 pornography in the first degree; promoting child pornography in
14 the second degree; possession of child pornography; furnishing
15 pornographic material to minors; public display of explicit
16 sexual material; coercing acceptance of obscene material;
17 promoting obscenity in the first degree; promoting pornography
18 for minors or obscenity in the second degree; incest; use of a
19 child in a sexual performance; or promoting sexual performance by
20 a child; patronizing prostitution if the individual the person
21 patronizes is less than eighteen years of age; or

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

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

28 (5) Any juvenile certified as an adult and transferred to a
29 court of general jurisdiction who has been convicted of, found

1 guilty of, or has pleaded guilty or nolo contendere to
2 committing, attempting to commit, or conspiring to commit a
3 felony under chapter 566 which is equal to or more severe than
4 aggravated sexual abuse under 18 U.S.C. Section 2241, which shall
5 include any attempt or conspiracy to commit such offense;

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

11 (7) Any person who is a resident of this state who has,
12 since July 1, 1979, or is hereafter convicted of, been found
13 guilty of, or pled guilty to or nolo contendere in any other
14 state, or foreign country, or under federal, tribal, or military
15 jurisdiction to committing, attempting to commit, or conspiring
16 to commit an offense which, if committed in this state, would be
17 a violation of chapter 566, or a felony violation of any offense
18 listed in subdivision (2) of this subsection or has been or is
19 required to register in another state or has been or is required
20 to register under tribal, federal, or military law; or

21 (8) Any person who has been or is required to register in
22 another state or has been or is required to register under
23 tribal, federal, or military law and who works or attends an
24 educational institution, whether public or private in nature,
25 including any secondary school, trade school, professional
26 school, or institution of higher education on a full-time or on a
27 part-time basis or has a temporary residence in Missouri.

28 "Part-time" in this subdivision means for more than seven days in
29 any twelve-month period.

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

19 3. The registration requirements of sections 589.400
20 through 589.425 are lifetime registration requirements unless:

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

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

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

28 (4) The registrant may petition the court for removal or
29 exemption from the registry under subsection 7 or 8 of this

1 section and the court orders the removal or exemption of such
2 person from the registry.

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

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

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

23 7. Any person currently on the sexual offender registry for
24 having been convicted of, found guilty of, or having pleaded
25 guilty or nolo contendere to committing, attempting to commit, or
26 conspiring to commit promoting prostitution in the second degree,
27 promoting prostitution in the third degree, public display of
28 explicit sexual material, statutory rape in the second degree,
29 and no physical force or threat of physical force was used in the

1 commission of the crime may file a petition in the civil division
2 of the circuit court in the county in which the offender was
3 convicted or found guilty of or pled guilty or nolo contendere to
4 committing, attempting to commit, or conspiring to commit the
5 offense or offenses for the removal of his or her name from the
6 sexual offender registry after ten years have passed from the
7 date he or she was required to register.

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

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

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

27 10. Any nonresident worker or nonresident student shall
28 register for the duration of such person's employment or
29 attendance at any school of higher education and is not entitled

1 to relief under the provisions of subsection 9 of this section.
2 Any registered offender from another state who has a temporary
3 residence in this state and resides more than seven days in a
4 twelve-month period shall register for the duration of such
5 person's temporary residency and is not entitled to the
6 provisions of subsection 9 of this section.

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

13 610.131. 1. Notwithstanding the provisions of section
14 610.140 to the contrary, an individual who has pleaded guilty or
15 has been convicted for the offense of prostitution under section
16 567.020 may apply to the court in which he or she pled guilty or
17 was sentenced for an order to expunge from all official records
18 all recordations of his or her arrest, plea, trial, or
19 conviction. If the court determines, after a hearing, that such
20 person was acting under the influence of an agent when committing
21 the offense that resulted in a plea of guilty or conviction under
22 section 567.020, the court shall enter an order of expungement.

23 2. Upon granting of the order of expungement, the records
24 and files maintained in any administrative or court proceeding in
25 an associate or circuit division of the circuit court under this
26 section shall be confidential and only available to the parties
27 or by order of the court for good cause shown. The effect of
28 such order shall be to restore such person to the status he or
29 she occupied prior to such arrest, plea, or conviction and as if

1 such event had never taken place. No person as to whom such
2 order has been entered shall be held thereafter under any
3 provision of any law to be guilty of perjury or otherwise giving
4 a false statement by reason of his or her failure to recite or
5 acknowledge such arrest, plea, trial, conviction, or expungement
6 in response to any inquiry made of him or her for any purpose
7 whatsoever and no such inquiry shall be made for information
8 relating to an expungement under this section."; and

9 Further amend the title and enacting clause accordingly.