

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2042
99TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 7, 2018, with recommendation that the Senate Committee Substitute do pass.

4083S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 43.650, 210.025, 210.254, 210.258, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.125, 566.147, 567.050, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, and 589.426, RSMo, and to enact in lieu thereof twenty-seven new sections relating to sexual offenders, with penalty provisions.

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

Section A. Sections 43.650, 210.025, 210.254, 210.258, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.125, 566.147, 567.050, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, and 589.426, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 43.650, 210.025, 210.254, 210.258, 210.1080, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.123, 566.124, 566.147, 567.050, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.414, and 589.426, 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. **Except as provided in subsections 4 and 5 of this section**, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found

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

9 guilty of or plead guilty to committing, attempting to commit, or conspiring to
10 commit sexual offenses shall be included on this website].

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 **including the tier level assigned to the offender under sections 589.400**
26 **to 589.425;**

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

30 (9) Compliance status of the offender with the provisions of section
31 589.400 to 589.425; and

32 (10) Any online identifiers, as defined in section 43.651, used by the
33 person. Such online identifiers shall not be included in the general profile of an
34 offender on the web page and shall only be available to a member of the public
35 by a search using the specific online identifier to determine if a match exists with
36 a registered offender.

37 **5. Juveniles required to register under subdivision (5) of**
38 **subsection 1 of section 589.400 shall be exempt from public notification**
39 **to include any adjudications from another state, territory, the District**
40 **of Columbia, or foreign country or any federal, tribal, or military**
41 **jurisdiction.**

210.025. 1. **An applicant child care provider; persons employed**
2 **by the applicant child care provider for compensation, including**
3 **contract employees or self-employed individuals; individuals or**

4 **volunteers whose activities involve the care or supervision of children**
5 **for the applicant child care provider or unsupervised access to children**
6 **who are cared for or supervised by the applicant child care provider;**
7 **or individuals residing in the applicant's family child care home who**
8 **are seventeen years of age or older shall be required to submit to a**
9 **criminal background check under section 43.540 prior to an applicant**
10 **being granted a registration and every five years thereafter and an**
11 **annual check of the central registry for child abuse established in**
12 **section 210.145 in order for the applicant** to qualify for receipt of state or
13 federal funds for providing child-care services [in the home] either by direct
14 payment or through reimbursement to a child-care beneficiary[, an applicant and
15 any person over the age of seventeen who is living in the applicant's home shall
16 be required to submit to a criminal background check pursuant to section 43.540
17 and a check of the central registry for child abuse established in section
18 210.145. Effective January 1, 2001, the requirements of this subsection or
19 subsection 2 of this section shall be satisfied through registration with the family
20 care safety registry established in sections 210.900 to 210.936]. Any costs
21 associated with such checks shall be paid by the applicant.

22 2. Upon receipt of an application for state or federal funds for providing
23 child-care services in the home, the [family support] **children's** division shall:

24 (1) Determine if a finding of child abuse or neglect by probable cause prior
25 to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
26 involving the applicant or any person over the age of seventeen who is living in
27 the applicant's home has been recorded pursuant to section 210.145 or 210.221;

28 (2) Determine if the applicant or any person over the age of seventeen who
29 is living in the applicant's home has been refused licensure or has experienced
30 licensure suspension or revocation pursuant to section 210.221 or 210.496; and

31 (3) Upon initial application, require the applicant to submit to
32 fingerprinting and request a criminal background check of the applicant and any
33 person over the age of seventeen who is living in the applicant's home pursuant
34 to section 43.540 and section 210.487, and inquire of the applicant whether any
35 children less than seventeen years of age residing in the applicant's home have
36 ever been certified as an adult and convicted of, or pled guilty or nolo contendere
37 to any crime.

38 3. Except as otherwise provided in subsection 4 of this section, upon
39 completion of the background checks in subsection 2 of this section, an applicant

40 shall be denied state or federal funds for providing child care if such applicant,
41 any person over the age of seventeen who is living in the applicant's home, and
42 any child less than seventeen years of age who is living in the applicant's home
43 and who the division has determined has been certified as an adult for the
44 commission of a crime:

45 (1) Has had a finding of child abuse or neglect by probable cause prior to
46 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
47 pursuant to section 210.145 or section 210.152;

48 (2) Has been refused licensure or has experienced licensure suspension
49 or revocation pursuant to section 210.496;

50 (3) Has pled guilty or nolo contendere to or been found guilty of any felony
51 for an offense against the person as defined by chapter 565, or any other offense
52 against the person involving the endangerment of a child as prescribed by law;
53 of any misdemeanor or felony for a sexual offense as defined by chapter 566; of
54 any misdemeanor or felony for an offense against the family as defined in chapter
55 568, with the exception of the sale of fireworks, as defined in section 320.110, to
56 a child under the age of eighteen; of any misdemeanor or felony for pornography
57 or related offense as defined by chapter 573; or of any similar crime in any
58 federal, state, municipal or other court of similar jurisdiction of which the
59 director has knowledge or any offenses or reports which will disqualify an
60 applicant from receiving state or federal funds.

61 4. An applicant shall be given an opportunity by the division to offer any
62 extenuating or mitigating circumstances regarding the findings, refusals or
63 violations against such applicant or any person over the age of seventeen or less
64 than seventeen who is living in the applicant's home listed in subsection 2 of this
65 section. Such extenuating and mitigating circumstances may be considered by
66 the division in its determination of whether to permit such applicant to receive
67 state or federal funds for providing child care in the home.

68 5. An applicant who has been denied state or federal funds for providing
69 child care in the home may appeal such denial decision in accordance with the
70 provisions of section 208.080.

71 6. If an applicant is denied state or federal funds for providing child care
72 in the home based on the background check results for any person over the age
73 of seventeen who is living in the applicant's home, the applicant shall not apply
74 for such funds until such person is no longer living in the applicant's home.

75 7. Any rule or portion of a rule, as that term is defined in section 536.010,

76 that is created under the authority delegated in this section shall become effective
77 only if it complies with and is subject to all of the provisions of chapter 536 and,
78 if applicable, section 536.028. All rulemaking authority delegated prior to August
79 28, 1999, is of no force and effect and repealed. Nothing in this section shall be
80 interpreted to repeal or affect the validity of any rule filed or adopted prior to
81 August 28, 1999, if it fully complied with all applicable provisions of law. This
82 section and chapter 536 are nonseverable and if any of the powers vested with the
83 general assembly pursuant to chapter 536 to review, to delay the effective date
84 or to disapprove and annul a rule are subsequently held unconstitutional, then
85 the grant of rulemaking authority and any rule proposed or adopted after August
86 28, 1999, shall be invalid and void.

210.254. 1. Child-care facilities operated by religious organizations
2 pursuant to the exempt status recognized in subdivision (5) of section 210.211
3 shall upon enrollment of any child provide the parent or guardian enrolling the
4 child two copies of a notice of parental responsibility, one copy of which shall be
5 retained in the files of the facility after the enrolling parent acknowledges, by
6 signature, having read and accepted the information contained therein.

7 2. The notice of parental responsibility shall include the following:

8 (1) Notification that the child-care facility is exempt as a religious
9 organization from state licensing and therefore not inspected or supervised by the
10 department of health and senior services other than as provided herein and that
11 the facility has been inspected by those designated in section 210.252 and is
12 complying with the fire, health and sanitation requirements of sections 210.252
13 to 210.257;

14 (2) The names, addresses and telephone numbers of agencies and
15 authorities which inspect the facility for fire, health and safety and the date of
16 the most recent inspection by each;

17 (3) The staff/child ratios for enrolled children under two years of age, for
18 children ages two to four and for those five years of age and older as required by
19 the department of health and senior services regulations in licensed facilities, the
20 standard ratio of staff to number of children for each age level maintained in the
21 exempt facility, and the total number of children to be enrolled by the facility;

22 (4) Notification that background checks have been conducted [on each
23 individual caregiver and all other personnel at the facility. The background check
24 shall be conducted upon employment and every two years thereafter on each
25 individual caregiver and all other personnel at the facility. Such background

26 check shall include a screening for child abuse or neglect through the children's
27 division, and a criminal record review through the Missouri highway patrol
28 pursuant to section 43.540. The fee for the criminal record review shall be
29 limited to the actual costs incurred by the Missouri highway patrol in conducting
30 such review not to exceed ten dollars] **under the provisions of section**
31 **210.1080;**

32 (5) The disciplinary philosophy and policies of the child-care facility; and

33 (6) The educational philosophy and policies of the child-care facility.

34 3. A copy of notice of parental responsibility, signed by the principal
35 operating officer of the exempt child-care facility and the individual primarily
36 responsible for the religious organization conducting the child-care facility and
37 copies of the annual fire and safety inspections shall be filed annually during the
38 month of August with the [director of the] department of health and senior
39 services. [Exempt child-care facilities which begin operation after August 28,
40 1993, shall file such notice at least five days prior to starting to operate.]

210.258. The provisions of this section and section 210.259 apply to a
2 child care facility maintained or operated under the exclusive control of a
3 religious organization. Nothing in sections 210.252 to 210.257 shall be construed
4 to authorize the department of health and senior services or any other
5 governmental entity:

6 (1) To interfere with the program, curriculum, ministry, teaching or
7 instruction offered in a child care facility;

8 (2) To interfere with the selection, certification, minimal formal
9 educational degree requirements, supervision or terms of employment of a
10 facility's personnel;

11 (3) To interfere with the selection of individuals sitting on any governing
12 board of a child care facility;

13 (4) To interfere with the selection of children enrolled in a child care
14 facility; or

15 (5) To prohibit the use of corporal punishment. However, the department
16 of health and senior services may require the child care facility to provide the
17 parent or guardian enrolling a child in the facility a written explanation of the
18 disciplinary philosophy and policies of the child care facility.

19 **Nothing in subdivisions (2) and (3) of this section shall be interpreted**
20 **to relieve a child care facility of its duties and obligations under**
21 **section 210.1080, or to interfere with the department's duties and**

22 obligations under said section.

210.1080. 1. As used in this section, the following terms mean:

2 (1) "Child care staff member", a child care provider; persons
3 employed by the child care provider for compensation, including
4 contract employees or self-employed individuals; individuals or
5 volunteers whose activities involve the care or supervision of children
6 for a child care provider or unsupervised access to children who are
7 cared for or supervised by a child care provider; or individuals
8 residing in a family child care home who are seventeen years of age
9 and older;

10 (2) "Criminal background check":

11 (a) A Federal Bureau of Investigation fingerprint check;

12 (b) A search of the National Crime Information Center's National
13 Sex Offender Registry; and

14 (c) A search of the following registries, repositories, or databases
15 in Missouri, the state where the child care staff member resides, and
16 each state where such staff member resided during the preceding five
17 years:

18 a. The state criminal registry or repository, with the use of
19 fingerprints being required in the state where the staff member resides
20 and optional in other states;

21 b. The state sex offender registry or repository; and

22 c. The state-based child abuse and neglect registry and database.

23 2. (1) Prior to the employment or presence of a child care staff
24 member in a family child care home, group child care home, child care
25 center, or license-exempt child care facility, the child care provider
26 shall request the results of a criminal background check for such child
27 care staff member from the department of health and senior services.

28 (2) A prospective child care staff member may begin work for a
29 child care provider after the criminal background check has been
30 requested from the department; however, pending completion of the
31 criminal background check, the prospective child care staff member
32 shall be supervised at all times by another child care staff member who
33 received a qualifying result on the criminal background check within
34 the past five years.

35 (3) A family child care home, group child care home, child care
36 center, or license-exempt child care facility that has child care staff

37 members at the time this section becomes effective shall request the
38 results of a criminal background check for all child care staff members
39 by January 31, 2019, unless the requirements of subsection 5 of this
40 section are met by the child care provider and proof is submitted to the
41 department of health and senior services by January 31, 2019.

42 3. The costs of the criminal background check shall be the
43 responsibility of the child care staff member but may be paid or
44 reimbursed by the child care provider at the provider's discretion. The
45 fees charged for the criminal background check shall not exceed the
46 actual cost of processing and administration.

47 4. Except as otherwise provided in subsection 2 of this section,
48 upon completion of the criminal background check, any child care staff
49 member or prospective child care staff member shall be ineligible for
50 employment or presence at a family child care home, a group child care
51 home, a licensed child care center, or a license-exempt child care
52 facility if such person:

53 (1) Refuses to consent to the criminal background check as
54 required by this section;

55 (2) Knowingly makes a materially false statement in connection
56 with the criminal background check as required by this section;

57 (3) Is registered, or is required to be registered, on a state sex
58 offender registry or repository or the National Sex Offender Registry;

59 (4) Has a finding of child abuse or neglect under section 210.145
60 or 210.152 or any other finding of child abuse or neglect based on any
61 other state's registry or database;

62 (5) Has been convicted of a felony consisting of:

63 (a) Murder, as described in 18 U.S.C. Section 1111;

64 (b) Child abuse or neglect;

65 (c) A crime against children, including child pornography;

66 (d) Spousal abuse;

67 (e) A crime involving rape or sexual assault;

68 (f) Kidnapping;

69 (g) Arson;

70 (h) Physical assault or battery; or

71 (i) Subject to subsection 5 of this section, a drug-related offense
72 committed during the preceding five years;

73 (6) Has been convicted of a violent misdemeanor committed as

74 an adult against a child, including the following crimes: child abuse,
75 child endangerment, or sexual assault, or of a misdemeanor involving
76 child pornography; or

77 (7) Has been convicted of any similar crime in any federal, state,
78 municipal, or other court.

79 Adult household members seventeen years of age and older in a family
80 child care home shall be ineligible to maintain a presence at a family
81 child care home if any one or more of the provisions of this subsection
82 applies to them.

83 5. A child care provider shall not be required to submit a request
84 for a criminal background check under this section for a child care
85 staff member if:

86 (1) The staff member received a criminal background check
87 within five years before the latest date on which such a submission may
88 be made and while employed by or seeking employment by another
89 child care provider within Missouri;

90 (2) The department of health and senior services provided to the
91 first provider a qualifying criminal background check result, consistent
92 with this section, for the staff member; and

93 (3) The staff member is employed by a child care provider within
94 Missouri or has been separated from employment from a child care
95 provider within Missouri for a period of not more than one hundred
96 eighty consecutive days.

97 6. (1) The department of health and senior services shall process
98 the request for a criminal background check for any prospective child
99 care staff member or child care staff member as expeditiously as
100 possible, but not to exceed forty-five days after the date on which the
101 provider submitted the request.

102 (2) The department shall provide the results of the criminal
103 background check to the child care provider in a statement that
104 indicates whether the prospective child care staff member or child care
105 staff member is eligible or ineligible for employment or presence at the
106 child care facility. The department shall not reveal to the child care
107 provider any disqualifying crime or other related information
108 regarding the prospective child care staff member or child care staff
109 member.

110 (3) If such prospective child care staff member or child care staff

111 member is ineligible for employment or presence at the child care
112 facility, the department shall, when providing the results of criminal
113 background check, include information related to each disqualifying
114 crime or other related information, in a report to such prospective
115 child care staff member or child care staff member, along with
116 information regarding the opportunity to appeal under subsection 7 of
117 this section.

118 7. The prospective child care staff member or child care staff
119 member may appeal in writing to the department to challenge the
120 accuracy or completeness of the information contained in his or her
121 criminal background check, or to offer information mitigating the
122 results and explaining why an eligibility exception should be
123 granted. The department of health and senior services shall attempt to
124 verify the accuracy of the information challenged by the individual,
125 including making an effort to locate any missing disposition
126 information related to the disqualifying crime. The appeal shall be
127 filed within ten days from the delivery or mailing of the notice of
128 ineligibility. The department shall make a decision on the appeal in a
129 timely manner.

130 8. The department may adopt emergency rules to implement the
131 requirements of this section. Any rule or portion of a rule, as that term
132 is defined in section 536.010, that is created under the authority
133 delegated in this section shall become effective only if it complies with
134 and is subject to all of the provisions of chapter 536, and, if applicable,
135 section 536.028. This section and chapter 536 are nonseverable, and if
136 any of the powers vested with the general assembly pursuant to chapter
137 536 to review, to delay the effective date, or to disapprove and annul a
138 rule are subsequently held unconstitutional, then the grant of
139 rulemaking authority and any rule proposed or adopted after August
140 28, 2018, shall be invalid and void.

557.036. 1. Upon a finding of guilt, the court shall decide the extent or
2 duration of sentence or other disposition to be imposed under all the
3 circumstances, having regard to the nature and circumstances of the offense and
4 the history and character of the defendant and render judgment accordingly.

5 2. Where an offense is submitted to the jury, the trial shall proceed in two
6 stages. At the first stage, the jury shall decide only whether the defendant is
7 guilty or not guilty of any submitted offense. The issue of punishment shall not

8 be submitted to the jury at the first stage.

9 3. If the jury at the first stage of a trial finds the defendant guilty of the
10 submitted offense, the second stage of the trial shall proceed. The issue at the
11 second stage of the trial shall be the punishment to be assessed and declared.
12 Evidence supporting or mitigating punishment may be presented. Such evidence
13 may include, within the discretion of the court, evidence concerning the impact
14 of the offense upon the victim, the victim's family and others, the nature and
15 circumstances of the offense, and the history and character of the
16 defendant. Rebuttal and surrebuttal evidence may be presented. The state shall
17 be the first to proceed. The court shall instruct the jury as to the range of
18 punishment authorized by statute for each submitted offense. The attorneys may
19 argue the issue of punishment to the jury, and the state shall have the right to
20 open and close the argument. The jury shall assess and declare the punishment
21 as authorized by statute.

22 4. A second stage of the trial shall not proceed and the court, and not the
23 jury, shall assess punishment if:

24 (1) The defendant requests in writing, prior to voir dire, that the court
25 assess the punishment in case of a finding of guilt; or

26 (2) The state pleads and proves the defendant is a prior offender,
27 persistent offender, dangerous offender, or persistent misdemeanor offender as
28 defined in section 558.016[, or a persistent sexual offender or predatory sexual
29 offender as defined in section 566.125]. If the jury cannot agree on the
30 punishment to be assessed, the court shall proceed as provided in subsection 1 of
31 this section. If, after due deliberation by the jury, the court finds the jury cannot
32 agree on punishment, then the court may instruct the jury that if it cannot agree
33 on punishment that the court will assess punishment.

34 5. If the jury returns a verdict of guilty in the first stage and declares a
35 term of imprisonment in the second stage, the court shall proceed as provided in
36 subsection 1 of this section except that any term of imprisonment imposed cannot
37 exceed the term declared by the jury unless the term declared by the jury is less
38 than the authorized lowest term for the offense, in which event the court cannot
39 impose a term of imprisonment greater than the lowest term provided for the
40 offense.

41 6. If the defendant is found to be a prior offender, persistent offender,
42 dangerous offender or persistent misdemeanor offender as defined in section
43 558.016:

44 (1) If he has been found guilty of an offense, the court shall proceed as
45 provided in section 558.016; or

46 (2) If he has been found guilty of a class A felony, the court may impose
47 any sentence authorized for the class A felony.

48 7. The court shall not seek an advisory verdict from the jury in cases of
49 prior offenders, persistent offenders, **or** dangerous offenders[, persistent sexual
50 offenders or predatory sexual offenders]; if an advisory verdict is rendered, the
51 court shall not deem it advisory, but shall consider it as mere surplusage.

558.021. 1. The court shall find the defendant to be a prior offender,
2 persistent offender, **or** dangerous offender[, persistent sexual offender or
3 predatory sexual offender] if:

4 (1) The indictment or information, original or amended, or the information
5 in lieu of an indictment pleads all essential facts warranting a finding that the
6 defendant is a prior offender, persistent offender, **or** dangerous offender[,
7 persistent sexual offender or predatory sexual offender]; [and]

8 (2) Evidence is introduced that establishes sufficient facts pleaded to
9 warrant a finding beyond a reasonable doubt that the defendant is a prior
10 offender, persistent offender, **or** dangerous offender[, persistent sexual offender
11 or predatory sexual offender]; and

12 (3) The court makes findings of fact that warrant a finding beyond a
13 reasonable doubt by the court that the defendant is a prior offender, persistent
14 offender, **or** dangerous offender[, persistent sexual offender or predatory sexual
15 offender].

16 2. In a jury trial, the facts shall be pleaded, established and found prior
17 to submission to the jury outside of its hearing, except the facts required by
18 subdivision (1) of subsection 4 of section 558.016 may be established and found
19 at a later time, but prior to sentencing, and may be established by judicial notice
20 of prior testimony before the jury.

21 3. In a trial without a jury or upon a plea of guilty, the court may defer
22 the proof and findings of such facts to a later time, but prior to sentencing. The
23 facts required by subdivision (1) of subsection 4 of section 558.016 may be
24 established by judicial notice of prior testimony or the plea of guilty.

25 4. The defendant shall be accorded full rights of confrontation and
26 cross-examination, with the opportunity to present evidence, at such hearings.

27 5. The defendant may waive proof of the facts alleged.

28 6. Nothing in this section shall prevent the use of presentence

29 investigations or commitments under sections 557.026 and 557.031.

30 7. At the sentencing hearing both the state and the defendant shall be
31 permitted to present additional information bearing on the issue of sentence.

558.046. The sentencing court may, upon petition, reduce any term of
2 sentence or probation pronounced by the court or a term of conditional release or
3 parole pronounced by the state board of probation and parole if the court
4 determines that:

5 (1) The convicted person was:

6 (a) Convicted of an offense that did not involve violence or the threat of
7 violence; and

8 (b) Convicted of an offense that involved alcohol or illegal drugs; [and]

9 (2) Since the commission of such offense, the convicted person has
10 successfully completed a detoxification and rehabilitation program; and

11 (3) The convicted person is not:

12 (a) A prior offender, a persistent offender, a dangerous offender or a
13 persistent misdemeanor offender as defined by section 558.016; [or]

14 (b) A **predatory sexual offender as defined in section 566.123 or**
15 **a prior sexual offender or a persistent sexual offender as defined in section**
16 **[566.125] 566.124; or**

17 (c) A prior offender, a persistent offender or a class X offender, as
18 **previously** defined in section 558.019.

559.115. 1. Neither probation nor parole shall be granted by the circuit
2 court between the time the transcript on appeal from the offender's [conviction]
3 **finding of guilt** has been filed in appellate court and the disposition of the
4 appeal by such court.

5 2. Unless otherwise prohibited by subsection 8 of this section, a circuit
6 court only upon its own motion and not that of the state or the offender shall
7 have the power to grant probation to an offender anytime up to one hundred
8 twenty days after such offender has been delivered to the department of
9 corrections but not thereafter. The court may request information and a
10 recommendation from the department concerning the offender and such offender's
11 behavior during the period of incarceration. Except as provided in this section,
12 the court may place the offender on probation in a program created pursuant to
13 section 217.777, or may place the offender on probation with any other conditions
14 authorized by law.

15 3. The court may recommend placement of an offender in a department

16 of corrections one hundred twenty-day program under this subsection or order
17 such placement under subsection 4 of section 559.036. Upon the recommendation
18 or order of the court, the department of corrections shall assess each offender to
19 determine the appropriate one hundred twenty-day program in which to place the
20 offender, which may include placement in the shock incarceration program or
21 institutional treatment program. When the court recommends and receives
22 placement of an offender in a department of corrections one hundred twenty-day
23 program, the offender shall be released on probation if the department of
24 corrections determines that the offender has successfully completed the program
25 except as follows. Upon successful completion of a program under this subsection,
26 the board of probation and parole shall advise the sentencing court of an
27 offender's probationary release date thirty days prior to release. The court shall
28 follow the recommendation of the department unless the court determines that
29 probation is not appropriate. If the court determines that probation is not
30 appropriate, the court may order the execution of the offender's sentence only
31 after conducting a hearing on the matter within ninety to one hundred twenty
32 days from the date the offender was delivered to the department of corrections.
33 If the department determines the offender has not successfully completed a one
34 hundred twenty-day program under this subsection, the offender shall be removed
35 from the program and the court shall be advised of the removal. The department
36 shall report on the offender's participation in the program and may provide
37 recommendations for terms and conditions of an offender's probation. The court
38 shall then have the power to grant probation or order the execution of the
39 offender's sentence.

40 4. If the court is advised that an offender is not eligible for placement in
41 a one hundred twenty-day program under subsection 3 of this section, the court
42 shall consider other authorized dispositions. If the department of corrections one
43 hundred twenty-day program under subsection 3 of this section is full, the court
44 may place the offender in a private program approved by the department of
45 corrections or the court, the expenses of such program to be paid by the offender,
46 or in an available program offered by another organization. If the offender is
47 convicted of a class C, class D, or class E nonviolent felony, the court may order
48 probation while awaiting appointment to treatment.

49 5. Except when the offender has been found to be a predatory sexual
50 offender pursuant to section [566.125] **566.123**, the court shall request the
51 department of corrections to conduct a sexual offender assessment if the

52 defendant has been found guilty of sexual abuse when classified as a class B
53 felony. Upon completion of the assessment, the department shall provide to the
54 court a report on the offender and may provide recommendations for terms and
55 conditions of an offender's probation. The assessment shall not be considered a
56 one hundred twenty-day program as provided under subsection 3 of this
57 section. The process for granting probation to an offender who has completed the
58 assessment shall be as provided under subsections 2 and 6 of this section.

59 6. Unless the offender is being granted probation pursuant to successful
60 completion of a one hundred twenty-day program the circuit court shall notify the
61 state in writing when the court intends to grant probation to the offender
62 pursuant to the provisions of this section. The state may, in writing, request a
63 hearing within ten days of receipt of the court's notification that the court intends
64 to grant probation. Upon the state's request for a hearing, the court shall grant
65 a hearing as soon as reasonably possible. If the state does not respond to the
66 court's notice in writing within ten days, the court may proceed upon its own
67 motion to grant probation.

68 7. An offender's first incarceration under this section prior to release on
69 probation shall not be considered a previous prison commitment for the purpose
70 of determining a minimum prison term under the provisions of section 558.019.

71 8. Notwithstanding any other provision of law, probation may not be
72 granted pursuant to this section to offenders who have been convicted of murder
73 in the second degree pursuant to section 565.021; forcible rape pursuant to
74 section 566.030 as it existed prior to August 28, 2013; rape in the first degree
75 under section 566.030; forcible sodomy pursuant to section 566.060 as it existed
76 prior to August 28, 2013; sodomy in the first degree under section 566.060;
77 statutory rape in the first degree pursuant to section 566.032; statutory sodomy
78 in the first degree pursuant to section 566.062; child molestation in the first
79 degree pursuant to section 566.067 when classified as a class A felony; abuse **or**
80 **neglect** of a child pursuant to section 568.060 when classified as a class A felony;
81 or an offender who has been found to be a predatory sexual offender pursuant to
82 section [566.125] **566.123**; or any offense in which there exists a statutory
83 prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to
2 establish, as a three-year pilot program, a mental health assessment process.

3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge
4 who is hearing the criminal case in a participating county may request that an

5 offender be placed in the department of corrections for one hundred twenty days
6 for a mental health assessment and for treatment if it appears that the offender
7 has a mental disorder or mental illness such that the offender may qualify for
8 probation including community psychiatric rehabilitation (CPR) programs and
9 such probation is appropriate and not inconsistent with public safety. Before the
10 judge rules upon the motion, the victim shall be given notice of such motion and
11 the opportunity to be heard. Upon recommendation of the court, the department
12 shall determine the offender's eligibility for the mental health assessment
13 process.

14 3. Following this assessment and treatment period, an assessment report
15 shall be sent to the sentencing court and the sentencing court may, if appropriate,
16 release the offender on probation. The offender shall be supervised on probation
17 by a state probation and parole officer, who shall work cooperatively with the
18 department of mental health to enroll eligible offenders in community psychiatric
19 rehabilitation (CPR) programs.

20 4. Notwithstanding any other provision of law, probation shall not be
21 granted under this section to offenders who:

22 (1) Have been found guilty of, or plead guilty to, murder in the second
23 degree under section 565.021;

24 (2) Have been found guilty of, or plead guilty to, rape in the first degree
25 under section 566.030 or forcible rape under section 566.030 as it existed prior
26 to August 28, 2013;

27 (3) Have been found guilty of, or plead guilty to, statutory rape in the first
28 degree under section 566.032;

29 (4) Have been found guilty of, or plead guilty to, sodomy in the first
30 degree under section 566.060 or forcible sodomy under section 566.060 as it
31 existed prior to August 28, 2013;

32 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the
33 first degree under section 566.062;

34 (6) Have been found guilty of, or plead guilty to, child molestation in the
35 first degree under section 566.067 when classified as a class A felony;

36 (7) Have been found to be a predatory sexual offender under section
37 **[566.125] 566.123**; or

38 (8) Have been found guilty of, or plead guilty to, any offense for which
39 there exists a statutory prohibition against either probation or parole.

40 5. At the end of the three-year pilot, the director of the department of

41 corrections and the director of the department of mental health shall jointly
42 submit recommendations to the governor and to the general assembly by
43 December 31, 2015, on whether to expand the process statewide.

566.030. 1. A person commits the offense of rape in the first degree if he
2 or she has sexual intercourse with another person who is incapacitated, incapable
3 of consent, or lacks the capacity to consent, or by the use of forcible
4 compulsion. Forcible compulsion includes the use of a substance administered
5 without a victim's knowledge or consent which renders the victim physically or
6 mentally impaired so as to be incapable of making an informed consent to sexual
7 intercourse.

8 2. The offense of rape in the first degree or an attempt to commit rape in
9 the first degree is a felony for which the authorized term of imprisonment is life
10 imprisonment or a term of years not less than five years, unless:

11 (1) The offense is an aggravated sexual offense, in which case the
12 authorized term of imprisonment is life imprisonment or a term of years not less
13 than fifteen years;

14 (2) The person is a **prior sexual offender** or a persistent **sexual**
15 **offender as defined in section 566.124** or a predatory sexual offender as
16 defined in section [566.125] **566.123** and subjected to an extended term of
17 imprisonment under said section;

18 (3) The victim is a child less than twelve years of age, in which case the
19 required term of imprisonment is life imprisonment without eligibility for
20 probation or parole until the offender has served not less than thirty years of
21 such sentence or unless the offender has reached the age of seventy-five years and
22 has served at least fifteen years of such sentence, unless such rape in the first
23 degree is described under subdivision (4) of this subsection; or

24 (4) The victim is a child less than twelve years of age and such rape in the
25 first degree or attempt to commit rape in the first degree was outrageously or
26 wantonly vile, horrible or inhumane, in that it involved torture or depravity of
27 mind, in which case the required term of imprisonment is life imprisonment
28 without eligibility for probation, parole or conditional release.

29 3. Subsection 4 of section 558.019 shall not apply to the sentence of a
30 person who has been found guilty of rape in the first degree or attempt to commit
31 rape in the first degree when the victim is less than twelve years of age, and "life
32 imprisonment" shall mean imprisonment for the duration of a person's natural
33 life for the purposes of this section.

34 4. No person found guilty of rape in the first degree or an attempt to
35 commit rape in the first degree shall be granted a suspended imposition of
36 sentence or suspended execution of sentence.

566.032. 1. A person commits the offense of statutory rape in the first
2 degree if he or she has sexual intercourse with another person who is less than
3 fourteen years of age.

4 2. The offense of statutory rape in the first degree or an attempt to
5 commit statutory rape in the first degree is a felony for which the authorized
6 term of imprisonment is life imprisonment or a term of years not less than five
7 years, unless:

8 (1) The offense is an aggravated sexual offense, or the victim is less than
9 twelve years of age in which case the authorized term of imprisonment is life
10 imprisonment or a term of years not less than ten years; or

11 (2) The person is **a prior sexual offender** or a persistent **sexual**
12 **offender as defined in section 566.124** or a predatory sexual offender as
13 defined in section [566.125 and subjected to an extended term of imprisonment
14 under said section] **566.123**.

566.060. 1. A person commits the offense of sodomy in the first degree if
2 he or she has deviate sexual intercourse with another person who is
3 incapacitated, incapable of consent, or lacks the capacity to consent, or by the use
4 of forcible compulsion. Forcible compulsion includes the use of a substance
5 administered without a victim's knowledge or consent which renders the victim
6 physically or mentally impaired so as to be incapable of making an informed
7 consent to sexual intercourse.

8 2. The offense of sodomy in the first degree or an attempt to commit
9 sodomy in the first degree is a felony for which the authorized term of
10 imprisonment is life imprisonment or a term of years not less than five years,
11 unless:

12 (1) The offense is an aggravated sexual offense, in which case the
13 authorized term of imprisonment is life imprisonment or a term of years not less
14 than ten years;

15 (2) The person is **a prior sexual offender** or a persistent **sexual**
16 **offender as defined in section 566.124** or a predatory sexual offender as
17 defined in section [566.125 and subjected to an extended term of imprisonment
18 under said section] **566.123**;

19 (3) The victim is a child less than twelve years of age, in which case the

20 required term of imprisonment is life imprisonment without eligibility for
21 probation or parole until the offender has served not less than thirty years of
22 such sentence or unless the offender has reached the age of seventy-five years and
23 has served at least fifteen years of such sentence, unless such sodomy in the first
24 degree is described under subdivision (4) of this subsection; or

25 (4) The victim is a child less than twelve years of age and such sodomy in
26 the first degree or attempt to commit sodomy in the first degree was outrageously
27 or wantonly vile, horrible or inhumane, in that it involved torture or depravity
28 of mind, in which case the required term of imprisonment is life imprisonment
29 without eligibility for probation, parole or conditional release.

30 3. Subsection 4 of section 558.019 shall not apply to the sentence of a
31 person who has been found guilty of sodomy in the first degree or an attempt to
32 commit sodomy in the first degree when the victim is less than twelve years of
33 age, and "life imprisonment" shall mean imprisonment for the duration of a
34 person's natural life for the purposes of this section.

35 4. No person found guilty of sodomy in the first degree or an attempt to
36 commit sodomy in the first degree shall be granted a suspended imposition of
37 sentence or suspended execution of sentence.

566.062. 1. A person commits the offense of statutory sodomy in the first
2 degree if he or she has deviate sexual intercourse with another person who is less
3 than fourteen years of age.

4 2. The offense of statutory sodomy in the first degree or an attempt to
5 commit statutory sodomy in the first degree is a felony for which the authorized
6 term of imprisonment is life imprisonment or a term of years not less than five
7 years, unless:

8 (1) The offense is an aggravated sexual offense or the victim is less than
9 twelve years of age, in which case the authorized term of imprisonment is life
10 imprisonment or a term of years not less than ten years; or

11 (2) The person is a **prior sexual offender** or a persistent **sexual**
12 **offender as defined in section 566.124** or a predatory sexual offender as
13 defined in section [566.125 and subjected to an extended term of imprisonment
14 under said section] **566.123**.

566.123. 1. As used in this section, the following terms shall
2 **mean:**

3 (1) "**Predatory sexual offender**", any person who has been found
4 **guilty of committing or attempting to commit a predatory sexual**

5 offense and who has, prior to that finding:

6 (a) Committed another act that would constitute a predatory
7 sexual offense, regardless of whether the other act was charged or
8 resulted in a finding of guilt; or

9 (b) Committed an act or acts against more than one victim that
10 would constitute a predatory sexual offense, regardless of whether the
11 defendant was charged with an additional offense or offenses as a
12 result of such act or acts;

13 (2) "Predatory sexual offense", statutory rape in the first degree,
14 statutory sodomy in the first degree, rape in the first degree, sodomy
15 in the first degree, forcible rape, forcible sodomy, rape, sodomy, child
16 molestation in the first degree when classified as a class A or B felony,
17 child molestation in the second degree when classified as a class A or
18 B felony, sexual abuse when classified as a class B felony, sexual abuse
19 in the first degree when classified as a class B felony, or an attempt to
20 commit any of these offenses, or the commission of an offense in
21 another jurisdiction that if committed in this state would constitute the
22 commission of any of the listed offenses.

23 2. The court shall sentence a person to life without eligibility for
24 probation or parole if it finds the defendant is a predatory sexual
25 offender. Subsection 4 of section 558.019 shall not apply to any person
26 imprisoned under this subsection for the purposes of determining the
27 minimum prison term or the length of sentence as defined or used in
28 such subsection. Notwithstanding any other provision of law, in no
29 event shall a person found to be a predatory sexual offender receive a
30 final discharge from parole.

31 3. Notwithstanding any other provision of law, the department
32 of corrections, or any division thereof, shall not furlough an individual
33 found to be and sentenced as a persistent sexual offender as defined in
34 section 566.124 or a predatory sexual offender.

35 4. The punishment imposed under this section shall be in
36 addition to any punishment provided by law for the offense of which
37 the defendant has been previously found guilty, or the act which would
38 constitute an offense, regardless of whether the act was charged or
39 resulted in a finding of guilt.

40 5. In determining whether a defendant is a predatory sexual
41 offender:

42 **(1) Prior findings of guilt shall be pleaded and proven in the**
43 **same manner required by the provisions of section 558.021;**

44 **(2) Acts that would constitute an offense that were not charged**
45 **or did not result in a finding of guilt shall be pleaded and proven as**
46 **follows:**

47 **(a) In a trial without a jury or upon a plea of guilty, the acts**
48 **shall be pleaded and proven in the same manner required under section**
49 **558.021. The court may defer the proof and findings establishing the**
50 **defendant is a predatory sexual offender to a later time, but prior to**
51 **sentencing. The facts required to prove the defendant is a predatory**
52 **sexual offender may be established by judicial notice of prior testimony**
53 **or the plea of guilty;**

54 **(b) Notwithstanding any other provision of law to the contrary,**
55 **if an offense is submitted to the jury, the trial shall proceed in multiple**
56 **stages. If the jury at the first stage of a trial finds the defendant guilty**
57 **of the submitted offense, the second stage of the trial shall**
58 **proceed. The issue at the second stage of the trial shall be whether the**
59 **defendant is a predatory sexual offender. The state shall be the first to**
60 **proceed. The court shall instruct the jury. The attorneys may argue**
61 **the issue of whether the defendant is a predatory sexual offender to the**
62 **jury, and the state shall have the right to open and close the**
63 **argument. The jury shall determine whether the defendant is a**
64 **predatory sexual offender beyond a reasonable doubt. If the jury**
65 **determines that the defendant is a predatory sexual offender, the court**
66 **shall not seek an advisory verdict from the jury. If the jury determines**
67 **that the defendant is not a predatory sexual offender, a third stage of**
68 **the trial shall proceed, unless jury sentencing is removed under section**
69 **557.036. The issue at the third stage of the trial shall be the**
70 **punishment to be assessed and declared. The third stage of the trial**
71 **shall proceed in the same manner required under section 557.036. The**
72 **parties may present additional evidence in this stage and may argue**
73 **evidence presented at the first stage or the second stage.**

566.124. 1. As used in this section, the following terms mean:

2 **(1) "Persistent sexual offender", a person who has been found**
3 **guilty of two or more sexual offenses;**

4 **(2) "Prior sexual offender", a person who has been found guilty**
5 **of one sexual offense;**

6 **(3) "Sexual offense", any offense under chapter 566, or an attempt**
7 **to commit any such offense, or the commission of an offense in another**
8 **jurisdiction that if committed in this state would constitute the**
9 **commission of any of the listed offenses, or any offense that requires**
10 **registration under section 589.400.**

11 **2. No court shall suspend the imposition of sentence as to a prior**
12 **or persistent sexual offender under this section nor sentence such**
13 **person to pay a fine in lieu of a term of imprisonment, section 557.011**
14 **to the contrary notwithstanding, nor shall such person be eligible for**
15 **parole or probation until such person has served a minimum of three**
16 **years' imprisonment.**

17 **3. The court shall find the defendant to be a prior sexual**
18 **offender or persistent sexual offender, if:**

19 **(1) The indictment or information, original or amended, or the**
20 **information in lieu of an indictment pleads all essential facts**
21 **warranting a finding that the defendant is a prior sexual offender or**
22 **persistent sexual offender;**

23 **(2) Evidence is introduced that establishes sufficient facts**
24 **pleaded to warrant a finding beyond a reasonable doubt the defendant**
25 **is a prior sexual offender or persistent sexual offender; and**

26 **(3) The court makes findings of fact that warrant a finding**
27 **beyond a reasonable doubt by the court that the defendant is a prior**
28 **sexual offender or persistent sexual offender.**

29 **4. In a jury trial, such facts shall be pleaded, established, and**
30 **found prior to submission to the jury outside of its hearing.**

31 **5. In a trial without a jury or upon a plea of guilty, the court may**
32 **defer the proof in findings of such facts to a later time, but prior to**
33 **sentencing.**

34 **6. The defendant shall be accorded full rights of confrontation**
35 **and cross-examination, with the opportunity to present evidence, at**
36 **such hearings.**

37 **7. The defendant may waive proof of the facts alleged.**

38 **8. Nothing in this section shall prevent the use of presentence**
39 **investigations or commitments.**

40 **9. At the sentencing hearing both the state and the defendant**
41 **shall be permitted to present additional information bearing on the**
42 **issue of sentence.**

43 **10. The findings of guilt shall be prior to the date of commission**
44 **of the present offense.**

45 **11. The court shall not instruct the jury as to the range of**
46 **punishment or allow the jury, upon a finding of guilt, to assess and**
47 **declare the punishment as part of its verdict in cases of prior sexual**
48 **offenders or persistent sexual offenders.**

49 **12. Evidence of prior findings of guilt shall be heard and**
50 **determined by the trial court out of the hearing of the jury prior to the**
51 **submission of the case to the jury and shall include, but not be limited**
52 **to, evidence of findings of guilt received by a search of the records of**
53 **the Missouri uniform law enforcement system maintained by the**
54 **Missouri state highway patrol. After hearing the evidence, the court**
55 **shall enter its findings thereon.**

56 **13. The court shall sentence a person who has been found to be**
57 **a prior sexual offender to the authorized term of imprisonment for the**
58 **class one step higher than the offense for which the person was found**
59 **guilty.**

60 **14. The court shall sentence a person who has been found to be**
61 **a persistent sexual offender to the authorized term of imprisonment for**
62 **the class two steps higher than the offense for which the person was**
63 **found guilty. A person found to be a persistent sexual offender who is**
64 **found guilty of a class B felony shall be sentenced to the authorized**
65 **term of imprisonment for a class A felony. A person found to be a prior**
66 **or persistent sexual offender who is found guilty of a class A felony or**
67 **a felony for which the maximum punishment is thirty years or more**
68 **shall be sentenced to life imprisonment without the eligibility for**
69 **probation or parole.**

 566.147. 1. Any person who, since July 1, 1979, has been or hereafter has
2 been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the
5 first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017,
6 or section 573.200, use of a child in a sexual performance; section 568.090 as it
7 existed prior to January 1, 2017, or section 573.205, promoting a sexual
8 performance by a child; section 573.023, sexual exploitation of a minor; section
9 573.025, promoting child pornography in the first degree; section 573.035,
10 promoting child pornography in the second degree; section 573.037, possession of

11 child pornography, or section 573.040, furnishing pornographic material to
12 minors; or

13 (2) Any offense in any other jurisdiction which, if committed in this state,
14 would be a violation listed in this section;

15 shall not reside within one thousand feet of any public school as defined in
16 section 160.011, any private school giving instruction in a grade or grades not
17 higher than the twelfth grade, or any child care facility that is licensed under
18 chapter 210, or any child care facility as defined in section 210.201 that is exempt
19 from state licensure but subject to state regulation under section 210.252 and
20 holds itself out to be a child care facility, where the school or facility is in
21 existence at the time the individual begins to reside at the location. **Such**
22 **person shall also not reside within one thousand feet of the property**
23 **line of the residence of a former victim of such person.**

24 2. If such person has already established a residence and a public school,
25 a private school, or child care facility is subsequently built or placed within one
26 thousand feet of such person's residence, **or a former victim subsequently**
27 **resides on property with a property line within one thousand feet of**
28 **such person's residence**, then such person shall, within one week of the
29 opening of such public school, private school, or child care facility, **or the former**
30 **victim residing on the property**, notify the county sheriff where such public
31 school, private school, [or] child care facility, **or residence of a former victim**
32 is located that he or she is now residing within one thousand feet of such public
33 school, private school, [or] child care facility, **or property line of the**
34 **residence of a former victim**, and shall provide verifiable proof to the sheriff
35 that he or she resided there prior to the opening of such public school, private
36 school, or child care facility, **or the former victim residing on the property.**

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

39 4. **For the purposes of the section, one thousand feet shall be**
40 **measured from the edge of the offender's property nearest the public**
41 **school, private school, child care facility, or former victim to the**
42 **nearest edge of the public school, private school, child care facility, or**
43 **former victim's property.**

44 5. Violation of the provisions of subsection 1 of this section is a class E
45 felony except that the second or any subsequent violation is a class B
46 felony. Violation of the provisions of subsection 2 of this section is a class A

47 misdemeanor except that the second or subsequent violation is a class E felony.

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

3 (1) Promotes prostitution by compelling a person to enter into, engage in,
4 or remain in prostitution; [or]

5 (2) Promotes prostitution of a person less than sixteen years of age; **or**

6 **(3) Owns, manages, or operates an interactive computer service,**
7 **as defined in 47 U.S.C. Section 230(f), or conspires or attempts to do so,**
8 **with the intent to promote or facilitate the prostitution of another.**

9 2. The term "compelling" includes:

10 (1) The use of forcible compulsion;

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

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

15 3. The offense of promoting prostitution in the first degree is a class B
16 felony, **or a class A felony if a person violates subdivision (3) of**
17 **subsection 1 of this section; and**

18 **(1) Promotes or facilitates the prostitution of five or more**
19 **persons; or**

20 **(2) Acts in reckless disregard of the fact that such conduct**
21 **contributed to the offense of trafficking for the purposes of sexual**
22 **exploitation under section 566.209.**

23 4. A person injured by the acts committed in violation of
24 subdivision (3) of subsection 1 of this section and subdivisions (1) and
25 (2) of subsection 3 of this section shall have a civil cause of action to
26 recover damages and reasonable attorneys' fees for such injury.

27 5. In addition to the court's authority to order a defendant to
28 make restitution for the damage or loss caused by his or her offense as
29 provided in section 559.105, the court shall enter a judgment of
30 restitution against the offender convicted of violating subdivision (3)
31 of subsection 1 of this section and subdivision (2) of subsection 3 of this
32 section.

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,

4 attempting to commit, or conspiring to commit a felony offense of chapter 566,
5 including sexual trafficking of a child and sexual trafficking of a child under the
6 age of twelve, or any offense of chapter 566 where the victim is a minor,]
7 **adjudicated for an offense referenced in section 589.414**, unless such
8 person is [exempted] **exempt** from registering under subsection [8] **9 or 10** of
9 this section **or section 589.401**; [or]

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

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

32 [(4)] (3) Any person who, since July 1, 1979, has been found not guilty
33 as a result of mental disease or defect of any offense [listed] **referenced** in
34 [subdivision (1) or (2) of this subsection] **section 589.414**; [or]

35 [(5)] (4) Any juvenile certified as an adult and transferred to a court of
36 general jurisdiction who has been [convicted of, found guilty of, or has pleaded
37 guilty or nolo contendere to committing, attempting to commit, or conspiring to
38 commit a felony under chapter 566 which is equal to or more severe than
39 aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any

40 attempt or conspiracy to commit such offense;] **adjudicated for an offense**
41 **listed under section 589.414;**

42 [(6)] **(5)** Any juvenile fourteen years of age or older at the time of the
43 offense who has been adjudicated for an offense which is equal to or more severe
44 than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include
45 any attempt or conspiracy to commit such offense;

46 [(7)] **(6)** Any person who is a resident of this state who has, since July
47 1, 1979, **been** or is hereafter [convicted of, been found guilty of, or pled guilty to
48 or nolo contendere] **adjudicated** in any other state, **territory, the District of**
49 **Columbia**, or foreign country, or under federal, tribal, or military jurisdiction [to
50 committing, attempting to commit, or conspiring to commit] **for** an offense which,
51 if committed in this state, would [be a violation of chapter 566, or a felony
52 violation of any offense listed in subdivision (2) of this subsection] **constitute an**
53 **offense listed under section 589.414**, or has been or is required to register in
54 another state, **territory, the District of Columbia, or foreign country**, or
55 has been or is required to register under tribal, federal, or military law; or

56 [(8)] **(7)** Any person who has been or is required to register in another
57 state, **territory, the District of Columbia, or foreign country**, or has been
58 or is required to register under tribal, federal, or military law and who works or
59 attends an educational institution, whether public or private in nature, including
60 any secondary school, trade school, professional school, or institution of higher
61 education on a full-time or on a part-time basis or has a temporary residence in
62 Missouri. "Part-time" in this subdivision means for more than seven days in any
63 twelve-month period.

64 2. Any person to whom sections 589.400 to 589.425 apply shall, within
65 three **business** days of [conviction] **adjudication**, release from incarceration,
66 or placement upon probation, register with the chief law enforcement official of
67 the county or city not within a county in which such person resides unless such
68 person has already registered in that county for the same offense. **For any**
69 **juvenile under subdivision (5) of subsection 1 of this section, within**
70 **three business days of adjudication or release from commitment to the**
71 **division of youth services, the department of mental health, or other**
72 **placement, such juvenile shall register with the chief law enforcement**
73 **official of the county or city not within a county in which he or she**
74 **resides unless he or she has already registered in such county or city**
75 **not within a county for the same offense.** Any person to whom sections

76 589.400 to 589.425 apply if not currently registered in their county of residence
77 shall register with the chief law enforcement official of such county or city not
78 within a county within three **business** days. The chief law enforcement official
79 shall forward a copy of the registration form required by section 589.407 to a city,
80 town, village, or campus law enforcement agency located within the county of the
81 chief law enforcement official[, if so requested. Such request may ask the chief
82 law enforcement official to forward copies of all registration forms filed with such
83 official. The chief law enforcement official may forward a copy of such
84 registration form to any city, town, village, or campus law enforcement agency,
85 if so requested].

86 3. The registration requirements of sections 589.400 through 589.425 [are
87 lifetime registration requirements] **shall be as provided under subsection**
88 **4 of this section** unless:

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

90 (2) [The registrant is pardoned of the offenses requiring registration;

91 (3)] The registrant is no longer required to register and his or her name
92 shall be removed from the registry under the provisions of [subsection 6 of this]
93 section **589.414**; or

94 [(4)] (3) The [registrant may petition the court for removal or exemption
95 from the registry under subsection 7 or 8 of this section and the] court orders the
96 removal or exemption of such person from the registry **under section 589.401**.

97 4. **The registration requirements shall be as follows:**

98 (1) **Fifteen years if the offender is a tier I sex offender as**
99 **provided under section 589.414;**

100 (2) **Twenty-five years if the offender is a tier II sex offender as**
101 **provided under section 589.414; or**

102 (3) **The life of the offender if the offender is a tier III sex**
103 **offender.**

104 5. (1) **The registration period shall be reduced as described in**
105 **subdivision (3) of this subsection for a sex offender who maintains a**
106 **clean record for the periods described under subdivision (2) of this**
107 **subsection by:**

108 (a) **Not being adjudicated of any offense for which imprisonment**
109 **for more than one year may be imposed;**

110 (b) **Not being adjudicated of any sex offense;**

111 (c) **Successfully completing any periods of supervised release,**

112 **probation, or parole; and**

113 **(d) Successfully completing an appropriate sex offender**
114 **treatment program certified by the attorney general.**

115 **(2) In the case of a:**

116 **(a) Tier I sex offender, the period during which the clean record**
117 **shall be maintained is ten years;**

118 **(b) Tier III sex offender adjudicated delinquent for the offense**
119 **which required registration in a sex offender registry under sections**
120 **589.400 to 589.425, the period during which the clean record shall be**
121 **maintained is twenty-five years.**

122 **(3) In the case of a:**

123 **(a) Tier I sex offender, the reduction is five years;**

124 **(b) Tier III sex offender adjudicated delinquent, the reduction**
125 **is from life to that period for which the clean record under paragraph**
126 **(b) of subdivision (2) is maintained.**

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

130 **[5.] 7.** For processing any change in registration required pursuant to
131 section 589.414 the chief law enforcement official of the county or city not within
132 a county may charge the person changing their registration a fee of five dollars
133 for each change made after the initial registration.

134 **[6.] 8.** Any person currently on the sexual offender registry [for being
135 convicted of, found guilty of, or pleading guilty or nolo contendere to committing,
136 attempting to commit, or conspiring to commit,] **or who otherwise would be**
137 **required to register for being adjudicated for the offense of felonious**
138 **restraint of a nonsexual nature** when the victim was a child and he or she was
139 the parent or guardian of the child, nonsexual child abuse that was committed
140 under section 568.060, or kidnapping **of a nonsexual nature** when the victim
141 was a child and he or she was the parent or guardian of the child shall be
142 removed from the registry. However, such person shall remain on the sexual
143 offender registry for any other offense for which he or she is required to register
144 under sections 589.400 to 589.425.

145 **[7.] 9.** **The following persons shall be exempt from registering as**
146 **a sexual offender upon petition to the court of jurisdiction under**
147 **section 589.401; except that, such person shall remain on the sexual**

148 **offender registry for any other offense for which he or she is required**
149 **to register under sections 589.400 to 589.425:**

150 (1) Any person currently on the sexual offender registry [for having been
151 convicted of, found guilty of, or having pleaded guilty or nolo contendere to
152 committing, attempting to commit, or conspiring to commit promoting prostitution
153 in the second degree, promoting prostitution in the third degree, public display
154 of explicit sexual material, statutory rape in the second degree, and no physical
155 force or threat of physical force was used in the commission of the crime may file
156 a petition in the civil division of the circuit court in the county in which the
157 offender was convicted or found guilty of or pled guilty or nolo contendere to
158 committing, attempting to commit, or conspiring to commit the offense or offenses
159 for the removal of his or her name from the sexual offender registry after ten
160 years have passed from the date he or she was required to register] **or who**
161 **otherwise would be required to register for a sexual offense involving:**

162 (a) **Sexual conduct where no force or threat of force was directed**
163 **toward the victim or any other individual involved, if the victim was an**
164 **adult, unless the adult was under the custodial authority of the**
165 **offender at the time of the offense; or**

166 (b) **Sexual conduct where no force or threat of force was directed**
167 **toward the victim, the victim was at least fourteen years of age, and the**
168 **offender was not more than four years older than the victim at the time**
169 **of the offense; or**

170 (2) **Any person currently required to register for the following**
171 **sexual offenses:**

172 (a) **Promoting obscenity in the first degree under section 573.020;**

173 (b) **Promoting obscenity in the second degree under section**
174 **573.030;**

175 (c) **Furnishing pornographic materials to minors under section**
176 **573.040;**

177 (d) **Public display of explicit sexual material under section**
178 **573.060;**

179 (e) **Coercing acceptance of obscene material under section**
180 **573.065;**

181 (f) **Trafficking for the purpose of slavery, involuntary servitude,**
182 **peonage, or forced labor under section 566.206;**

183 (g) **Abusing an individual through forced labor under section**
184 **566.203;**

185 **(h) Contributing to human trafficking through the misuse of**
186 **documentation under section 566.215; or**

187 **(i) Acting as an international marriage broker and failing to**
188 **provide the information and notice as required under section 578.475.**

189 [8. Effective August 28, 2009,] **10.** Any person **currently** on the sexual
190 offender registry for having been [convicted of, found guilty of, or having pled
191 guilty or nolo contendere to an offense included under subsection 1 of this section
192 may file a petition after two years have passed from the date the offender was
193 convicted or found guilty of or pled guilty or nolo contendere to the offense or
194 offenses in the civil division of the circuit court in the county in which the
195 offender was convicted or found guilty of or pled guilty or nolo contendere to the
196 offense or offenses for removal of his or her name from the registry if such person
197 was nineteen years of age or younger and the victim was thirteen years of age or
198 older at the time of the offense and no physical force or threat of physical force
199 was used in the commission of the offense, unless such person meets the
200 qualifications of this subsection, and such person was eighteen years of age or
201 younger at the time of the offense, and is convicted or found guilty of or pleads
202 guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or
203 566.095 when such offense is a misdemeanor, in which case, such person may
204 immediately file a petition to remove or exempt his or her name from the registry
205 upon his or her conviction or finding or pleading of guilty or nolo contendere to
206 such offense] **adjudicated for a tier I or II offense or adjudicated**
207 **delinquent for a tier III offense or other comparable offenses listed**
208 **under section 589.414 may file a petition under section 589.401.**

209 [9. (1) The court may grant such relief under subsection 7 or 8 of this
210 section if such person demonstrates to the court that he or she has complied with
211 the provisions of this section and is not a current or potential threat to public
212 safety. The prosecuting attorney in the circuit court in which the petition is filed
213 must be given notice, by the person seeking removal or exemption from the
214 registry, of the petition to present evidence in opposition to the requested relief
215 or may otherwise demonstrate the reasons why the petition should be
216 denied. Failure of the person seeking removal or exemption from the registry to
217 notify the prosecuting attorney of the petition shall result in an automatic denial
218 of such person's petition. If the prosecuting attorney is notified of the petition he
219 or she shall make reasonable efforts to notify the victim of the crime for which
220 the person was required to register of the petition and the dates and times of any

221 hearings or other proceedings in connection with that petition.

222 (2) If the petition is denied, such person shall wait at least twelve months
223 before petitioning the court again. If the court finds that the petitioner is entitled
224 to relief, which removes or exempts such person's name from the registry, a
225 certified copy of the written findings or order shall be forwarded by the court to
226 the chief law enforcement official having jurisdiction over the offender and to the
227 Missouri state highway patrol in order to have such person's name removed or
228 exempted from the registry.]

229 [10.] **11. Any nonresident worker, including work as a volunteer or**
230 **intern, or nonresident student shall register for the duration of such person's**
231 **employment, including participation as a volunteer or intern, or**
232 **attendance at any school of higher education [and is not entitled to relief under**
233 **the provisions of subsection 9 of this section] whether public or private,**
234 **including any secondary school, trade school, professional school, or**
235 **institution of higher education on a full-time or part-time basis in this**
236 **state unless granted relief under section 589.401. Any registered**
237 **offender shall provide information regarding any place in which the**
238 **offender is staying when away from his or her residence for seven or**
239 **more days, including the period of time the offender is staying in such**
240 **place. Any registered offender from another state who has a temporary**
241 **residence in this state and resides more than seven days in a twelve-month period**
242 **shall register for the duration of such person's temporary residency [and is not**
243 **entitled to the provisions of subsection 9 of this section] unless granted relief**
244 **under section 589.401.**

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

589.401. 1. A person on the sexual offender registry may file a
2 **petition in the division of the circuit court in the county or city not**
3 **within a county in which the offense requiring registration was**
4 **committed to have his or her name removed from the sexual offender**
5 **registry.**

6 **2. A person who is required to register in this state because of**
7 **an offense that was adjudicated in another jurisdiction shall file his or**

8 her petition for removal according to the laws of the state, territory,
9 tribal, or military jurisdiction, the District of Columbia, or foreign
10 country in which his or her offense was adjudicated. Upon the grant
11 of the petition for removal in the jurisdiction where the offense was
12 adjudicated, such judgment may be registered in this state by sending
13 the information required under subsection 5 of this section as well as
14 one authenticated copy of the order granting removal from the sexual
15 offender registry in the jurisdiction where the offense was adjudicated
16 to the court in the county or city not within a county in which the
17 offender is required to register. On receipt of a request for registration
18 removal, the registering court shall cause the order to be filed as a
19 foreign judgment, together with one copy of the documents and
20 information, regardless of their form. The petitioner shall be
21 responsible for costs associated with filing the petition.

22 3. A person required to register as a tier III offender shall not
23 file a petition under this section unless the requirement to register
24 results from a juvenile adjudication.

25 4. The petition shall be dismissed without prejudice if the
26 following time periods have not elapsed since the date the person was
27 required to register for his or her most recent offense under sections
28 589.400 to 589.425:

29 (1) For a tier I offense, ten years;

30 (2) For a tier II offense, twenty-five years; or

31 (3) For a tier III offense adjudicated delinquent, twenty-five
32 years.

33 5. The petition shall be dismissed without prejudice if it fails to
34 include any of the following:

35 (1) The petitioner's:

36 (a) Full name, including any alias used by the individual;

37 (b) Sex;

38 (c) Race;

39 (d) Date of birth;

40 (e) Last four digits of the Social Security number;

41 (f) Address; and

42 (g) Place of employment, school, or volunteer status;

43 (2) The offense and tier of the offense that required the
44 petitioner to register;

45 **(3) The date the petitioner was adjudicated for the offense;**

46 **(4) The date the petitioner was required to register;**

47 **(5) The case number and court, including the county or city not**
48 **within a county, that entered the original order for the adjudicated sex**
49 **offense;**

50 **(6) Petitioner's fingerprints on an applicant fingerprint card;**

51 **(7) If the petitioner was pardoned or an offense requiring**
52 **registration was reversed, vacated, or set aside, an authenticated copy**
53 **of the order; and**

54 **(8) If the petitioner is currently registered under applicable law**
55 **and has not been adjudicated for failure to register in any jurisdiction**
56 **and does not have any charges pending for failure to register.**

57 **6. The petition shall name as respondents the Missouri state**
58 **highway patrol and the chief law enforcement official in the county or**
59 **city not within a county in which the petition is filed.**

60 **7. All proceedings under this section shall be governed under the**
61 **Missouri supreme court rules of civil procedure.**

62 **8. The person seeking removal or exemption from the registry**
63 **shall provide the prosecuting attorney in the circuit court in which the**
64 **petition is filed with notice of the petition. The prosecuting attorney**
65 **may present evidence in opposition to the requested relief or may**
66 **otherwise demonstrate the reasons why the petition should be**
67 **denied. Failure of the person seeking removal or exemption from the**
68 **registry to notify the prosecuting attorney of the petition shall result**
69 **in an automatic denial of such person's petition.**

70 **9. The prosecuting attorney in the circuit court in which the**
71 **petition is filed shall have access to all applicable records concerning**
72 **the petitioner including, but not limited to, criminal history records,**
73 **mental health records, juvenile records, and records of the department**
74 **of corrections or probation and parole.**

75 **10. The prosecuting attorney shall make reasonable efforts to**
76 **notify the victim of the crime for which the person was required to**
77 **register of the petition and the dates and times of any hearings or other**
78 **proceedings in connection with such petition.**

79 **11. The court shall not enter an order directing the removal of**
80 **the petitioner's name from the sexual offender registry unless it finds**
81 **the petitioner:**

82 **(1) Has not been adjudicated or does not have charges pending**
83 **for any additional nonsexual offense for which imprisonment for more**
84 **than one year may be imposed since the date the offender was required**
85 **to register for his or her current tier level;**

86 **(2) Has not been adjudicated or does not have charges pending**
87 **for any additional sex offense that would require registration under**
88 **sections 589.400 to 589.425 since the date the offender was required to**
89 **register for his or her current tier level, even if the offense was**
90 **punishable by less than one year imprisonment;**

91 **(3) Has successfully completed any required periods of**
92 **supervised release, probation, or parole without revocation since the**
93 **date the offender was required to register for his or her current tier**
94 **level;**

95 **(4) Has successfully completed an appropriate sex offender**
96 **treatment program as approved by a court of competent jurisdiction or**
97 **the Missouri department of corrections; and**

98 **(5) Is not a current or potential threat to public safety.**

99 **12. In order to meet the criteria required by subdivisions (1) and**
100 **(2) of subsection 11 of this section, the fingerprints filed in the case**
101 **shall be examined by the Missouri state highway patrol. The petitioner**
102 **shall be responsible for all costs associated with the fingerprint-based**
103 **criminal history check of both state and federal files under section**
104 **43.530.**

105 **13. If the petition is denied due to an adjudication in violation**
106 **of subdivision (1) or (2) of subsection 11 of this section, the petitioner**
107 **shall not file a new petition under this section until:**

108 **(1) Fifteen years have passed from the date of the adjudication**
109 **resulting in the denial of relief if the petitioner is classified as a tier I**
110 **offender;**

111 **(2) Twenty-five years have passed from the date of adjudication**
112 **resulting in the denial of relief if the petitioner is classified as a tier II**
113 **offender; or**

114 **(3) Twenty-five years have passed from the date of the**
115 **adjudication resulting in the denial of relief if the petitioner is**
116 **classified as a tier III offender on the basis of a juvenile adjudication.**

117 **14. If the petition is denied due to the petitioner having charges**
118 **pending in violation of subdivision (1) or (2) of subsection 11 of this**

119 **section, the petitioner shall not file a new petition under this section**
120 **until:**

121 **(1) The pending charges resulting in the denial of relief have**
122 **been finally disposed of in a manner other than adjudication; or**

123 **(2) If the pending charges result in an adjudication, the**
124 **necessary time period has elapsed under subsection 13 of this section.**

125 **15. If the petition is denied for reasons other than those outlined**
126 **in subsection 11 of this section, no successive petition requesting such**
127 **relief shall be filed for at least five years from the date the judgment**
128 **denying relief is entered.**

129 **16. If the court finds the petitioner is entitled to have his or her**
130 **name removed from the sexual offender registry, the court shall enter**
131 **judgment directing the removal of the name. A copy of the judgment**
132 **shall be provided to the respondents named in the petition.**

133 **17. Any person subject to the judgment requiring his or her name**
134 **to be removed from the sexual offender registry is not required to**
135 **register under sections 589.400 to 589.425 unless such person is**
136 **required to register for an offense that was different from that listed**
137 **on the judgment of removal.**

138 **18. The court shall not deny the petition unless the petition**
139 **failed to comply with the provisions of sections 589.400 to 589.425 or the**
140 **prosecuting attorney provided evidence demonstrating the petition**
141 **should be denied.**

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. Except as provided in subsections 4 and 5 of this section, the**
5 registered sexual offender search shall make it possible for any person using the
6 internet to search for and find the information specified in subsection 3 of this
7 section, if known, on offenders registered in this state pursuant to sections
8 589.400 to 589.425[, except that only persons who have been convicted of, found
9 guilty of, or plead guilty to committing, attempting to commit, or conspiring to
10 commit sexual offenses shall be included on this website].

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 **including the tier level assigned to the offender under sections 589.400**
23 **to 589.425;**

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

27 (9) Compliance status of the offender with the provisions of sections
28 589.400 to 589.425; and

29 (10) Any online identifiers, as defined in section 43.651, used by the
30 person. Such online identifiers shall not be included in the general profile of an
31 offender on the web page and shall only be available to a member of the public
32 by a search using the specific online identifier to determine if a match exists with
33 a registered offender.

34 4. The chief law enforcement officer of any county or city not within a
35 county may publish in any newspaper distributed in the county or city not within
36 a county the sexual offender information provided under subsection 3 of this
37 section for any offender residing in the county or city not within a county.

38 **5. Juveniles required to register under subdivision (5) of**
39 **subsection 1 of section 589.400 shall be exempt from public notification**
40 **to include any adjudications from another state, territory, the District**
41 **of Columbia, or foreign country or any federal, tribal, or military**
42 **jurisdiction.**

589.403. 1. Any person [to whom subsection 1 of section 589.400 applies]
2 **who is required to register under sections 589.400 to 589.425 and** who is
3 paroled, discharged, or otherwise released from any correctional facility of the
4 department of corrections [or], any mental health institution, **private jail**
5 **under section 221.095, or other private facility recognized by or**
6 **contracted with the department of corrections or department of mental**
7 **health** where such person was confined shall:

8 **(1) If the person plans to reside in this state**, be informed by the
9 official in charge of such correctional facility, **private jail**, or mental health
10 institution of the person's possible duty to register pursuant to sections 589.400
11 to 589.425. If such person is required to register pursuant to sections 589.400 to
12 589.425, the official in charge of the correctional facility, **private jail**, or the
13 mental health institution shall complete the initial registration **notification at**
14 **least seven days** prior to release and forward the offender's registration, within
15 three business days **of release**, to **the Missouri state highway patrol and**
16 the chief law enforcement official of the county or city not within a county where
17 the person expects to reside upon discharge, parole, or release[. When the person
18 lists an address where he or she expects to reside that is not in this state, the
19 initial registration shall be forwarded to the Missouri state highway patrol.]; **or**

20 **(2) If the person does not reside or plan to reside in Missouri, be**
21 **informed by the official in charge of such correctional facility, private**
22 **jail, or mental health institution of the person's possible duty to**
23 **register under sections 589.400 to 589.425. If such person is required**
24 **to register under sections 589.400 to 589.425, the official in charge of**
25 **the correctional facility, private jail, or the mental health institution**
26 **shall complete the initial registration notification at least seven days**
27 **prior to release and forward the offender's registration, within three**
28 **business days of release, to the Missouri state highway patrol and the**
29 **chief law enforcement official within the county or city not within a**
30 **county where the correctional facility, private jail, or mental health**
31 **institution is located.**

32 **2. If the offender refuses to complete and sign the registration**
33 **information as outlined in this section or fails to register with the chief**
34 **law enforcement official within three business days as directed, the**
35 **offender commits the offense of failure to register under section 589.425**
36 **within the jurisdiction where the correctional facility, private jail, or**
37 **mental health institution is located.**

589.404. As used in sections 589.400 to 589.425, the following
2 **terms mean:**

3 **(1) "Adjudicated" or "adjudication", adjudication of delinquency,**
4 **a finding of guilt, plea of guilt, finding of not guilty due to mental**
5 **disease or defect, or plea of nolo contendere to committing, attempting**
6 **to commit, or conspiring to commit;**

7 **(2) "Adjudicated delinquent", a person found to have committed**

8 an offense that, if committed by an adult, would be a criminal offense;

9 (3) "Chief law enforcement official", the sheriff's office of each
10 county or the police department of a city not within a county;

11 (4) "Offender registration", the required minimum informational
12 content of sex offender registries, which shall consist of, but not be
13 limited to, a full set of fingerprints on a standard sex offender
14 registration card upon initial registration in Missouri, as well as all
15 other forms required by the Missouri state highway patrol upon each
16 initial and subsequent registration;

17 (5) "Residence", any place where an offender sleeps for seven or
18 more consecutive or nonconsecutive days or nights within a twelve-
19 month period;

20 (6) "Sex offender", any person who meets the criteria to register
21 under sections 589.400 to 589.425 or the Sex Offender Registration and
22 Notification Act, Title I of the Adam Walsh Child Protection and Safety
23 Act of 2006, Pub. L. 109-248;

24 (7) "Sex offense", any offense which is listed under section
25 589.414 or comparable to those listed under section 589.414 or
26 otherwise comparable to offenses covered under the Sex Offender
27 Registration and Notification Act, Title I of the Adam Walsh Child
28 Protection and Safety Act of 2006, Pub. L. 109-248;

29 (8) "Sexual act", any type or degree of genital, oral, or anal
30 penetration;

31 (9) "Sexual contact", any sexual touching of or contact with a
32 person's body, either directly or through the clothing;

33 (10) "Sexual element", used for the purposes of distinguishing if
34 sexual contact or a sexual act was committed. Authorities shall refer
35 to information filed by the prosecutor, amended information filed by
36 the prosecutor, indictment information filed by the prosecutor, or
37 amended indictment information filed by the prosecutor, the plea
38 agreement, or court documentation to determine if a sexual element
39 exists;

40 (11) "Signature", the name of the offender signed in writing or
41 electronic form approved by the Missouri state highway patrol;

42 (12) "Student", an individual who enrolls in or attends the
43 physical location of an educational institution, including a public or
44 private secondary school, trade or professional school, or an institution

45 **of higher education;**

46 **(13) "Vehicle", any land vehicle, watercraft, or aircraft.**

589.405. 1. Any person [to whom subsection 1 of section 589.400 applies]
2 **who is required to register under sections 589.400 to 589.425 and** who is
3 released on probation, discharged upon payment of a fine, or released after
4 confinement in a county jail shall, prior to such release or discharge **and at the**
5 **time of adjudication**, be informed of the possible duty to register pursuant to
6 sections 589.400 to 589.425 by the court having jurisdiction over the case. If such
7 person is required to register pursuant to sections 589.400 to 589.425 **and is**
8 **placed on probation**, the court shall [obtain the address where the person
9 expects to reside upon discharge, parole or release and shall] **make it a**
10 **condition of probation that the offender** report[,] within three business
11 days[, such address] to the chief law enforcement official of the county **of**
12 **adjudication** or city not within a county [where the person expects to reside,
13 upon discharge, parole or release] **of adjudication to complete initial**
14 **registration. If such offender is not placed on probation, the court**
15 **shall:**

16 **(1) If the offender resides in Missouri, complete the initial**
17 **notification of duty to register form approved by the state judicial**
18 **records committee and the Missouri state highway patrol and forward**
19 **the form within three business days to the Missouri state highway**
20 **patrol and the chief law enforcement official in the county or city not**
21 **within a county in which the offender resides; or**

22 **(2) If the offender does not reside in Missouri:**

23 **(a) Order the offender to report directly to the chief law**
24 **enforcement official in the county or city not within a county where the**
25 **adjudication was heard to register as provided in sections 589.400 to**
26 **589.425; and**

27 **(b) Complete the initial notification of duty to register form**
28 **approved by the state judicial records committee and the Missouri state**
29 **highway patrol and forward the form within three business days to the**
30 **Missouri state highway patrol and the chief law enforcement official in**
31 **the county or city not within a county where the offender was**
32 **adjudicated.**

33 **2. If the offender resides in Missouri and refuses to complete and**
34 **sign the registration information as provided in subdivision (1) of**

35 **subsection 1 of this section, or if the offender resides outside of**
36 **Missouri and refuses to directly report to the chief law enforcement**
37 **official as provided in subdivision (2) of subsection 1 of this section, the**
38 **offender commits the offense of failure to register under section**
39 **589.425.**

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 **or other format approved by the Missouri state**
4 **highway patrol.** Such form shall **consist of a statement, including the**
5 **signature of the offender, and shall include,** but is not limited to, the
6 following:

7 (1) A statement in writing signed by the person, giving the name, address,
8 **date of birth,** Social Security number, and phone number of the person, the
9 license plate number and vehicle description, including the year, make, model,
10 and color of each vehicle owned or operated by the offender, any online
11 identifiers, as defined in section 43.651, used by the person, the place of
12 employment of such person, enrollment within any institutions of higher
13 education, the crime which requires registration, whether the person was
14 sentenced as a persistent or predatory offender pursuant to section 566.125, the
15 date, place, and a brief description of such crime, the date and place of the
16 conviction or plea regarding such crime, the age and gender of the victim at the
17 time of the offense and whether the person successfully completed the Missouri
18 sexual offender program pursuant to section 589.040, if applicable;

19 (2) The fingerprints[,] **and** palm prints[, and a photograph] of the person;
20 [and]

21 (3) **Unless the offender's appearance has not changed**
22 **significantly, a photograph of such offender as follows:**

23 (a) **Quarterly if a tier III sex offender under section**
24 **589.414. Such photograph shall be taken every ninety days beginning**
25 **in the month of the person's birth;**

26 (b) **Semiannually if a tier II sex offender. Such photograph shall**
27 **be taken in the month of the person's birth and six months thereafter;**
28 **and**

29 (c) **Yearly if a tier I sex offender. Such photograph shall be**
30 **taken in the month of the person's birth; and**

31 (4) A DNA sample **from the individual,** if a sample has not already

32 been obtained.

33 2. The offender shall provide positive identification and documentation to
34 substantiate the accuracy of the information completed on the offender
35 registration form, including but not limited to the following:

36 (1) A photocopy of a valid driver's license or nondriver's identification
37 card;

38 (2) A document verifying proof of the offender's residency; and

39 (3) A photocopy of the vehicle registration for each of the offender's
40 vehicles.

41 **3. The Missouri state highway patrol shall maintain all required**
42 **registration information in digitized form.**

43 **4. Upon receipt of any changes to an offender's registration**
44 **information contained in this section, the Missouri state highway patrol**
45 **shall immediately notify all other jurisdictions in which the offender**
46 **is either registered or required to register.**

47 **5. The offender shall be responsible for reviewing his or her**
48 **existing registration information for accuracy at every regular in-**
49 **person appearance and, if any inaccuracies are found, provide proof of**
50 **the information in question.**

51 **6. The signed offender registration form shall serve as proof that**
52 **the individual understands his or her duty to register as a sexual**
53 **offender under sections 589.400 to 589.425 and a statement to this effect**
54 **shall be included on the form that the individual is required to sign at**
55 **each registration.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register
2 shall, [not later than] **within** three business days [after each change of name,
3 residence within the county or city not within a county at which the offender is
4 registered, employment, or student status], appear in person to the chief law
5 enforcement officer of the county or city not within a county [and inform such
6 officer of all changes in the information required by the offender. The chief law
7 enforcement officer shall immediately forward the registrant changes to the
8 Missouri state highway patrol within three business days] **if there is a change**
9 **to any of the following information:**

10 **(1) Name;**

11 **(2) Residence;**

12 **(3) Employment, including status as a volunteer or intern;**

13 **(4) Student status; or**

14 **(5) A termination to any of the items listed in this subsection.**

15 **2. Any person required to register under sections 589.400 to**
16 **589.425 shall, within three business days, notify the chief law**
17 **enforcement official of the county or city not within a county of any**
18 **changes to the following information:**

19 **(1) Vehicle information;**

20 **(2) Temporary lodging information;**

21 **(3) Temporary residence information;**

22 **(4) Email addresses, instant messaging addresses, and any other**
23 **designations used in internet communications, postings, or telephone**
24 **communications; or**

25 **(5) Telephone or other cellular number, including any new forms**
26 **of electronic communication.**

27 **3. The chief law enforcement official in the county or city not**
28 **within a county shall immediately forward the registration changes**
29 **described under subsections 1 and 2 of this section to the Missouri state**
30 **highway patrol within three business days.**

31 **[2.] 4. If any person required by sections 589.400 to 589.425 to register**
32 **changes such person's residence or address to a different county or city not within**
33 **a county, the person shall appear in person and shall inform both the chief law**
34 **enforcement official with whom the person last registered and the chief law**
35 **enforcement official of the county or city not within a county having jurisdiction**
36 **over the new residence or address in writing within three business days of such**
37 **new address and phone number, if the phone number is also changed. If any**
38 **person required by sections 589.400 to 589.425 to register changes their state his**
39 **or her state, territory, the District of Columbia, or foreign country, or**
40 **federal, tribal, or military jurisdiction of residence, the person shall appear**
41 **in person and shall inform both the chief law enforcement official with whom the**
42 **person was last registered and the chief law enforcement official of the area in**
43 **the new state, territory, the District of Columbia, or foreign country, or**
44 **federal, tribal, or military jurisdiction having jurisdiction over the new**
45 **residence or address within three business days of such new address. Whenever**
46 **a registrant changes residence, the chief law enforcement official of the county or**
47 **city not within a county where the person was previously registered shall inform**
48 **the Missouri state highway patrol of the change within three business**

49 days. When the registrant is changing the residence to a new state, **territory,**
50 **the District of Columbia, or foreign country, or federal, tribal, or**
51 **military jurisdiction,** the Missouri state highway patrol shall inform the
52 responsible official in the new state, **territory, the District of Columbia, or**
53 **foreign country, or federal, tribal, or military jurisdiction** of residence
54 within three business days.

55 [3.] **5. Tier I sexual offenders,** in addition to the requirements of
56 subsections 1 [and 2] **to 4** of this section, [the following offenders] shall report
57 in person to the chief law enforcement [agency every ninety days] **official**
58 **annually in the month of their birth** to verify the information contained in
59 their statement made pursuant to section 589.407. **Tier I sexual offenders**
60 **include:**

61 (1) Any offender [registered as a predatory or persistent sexual offender
62 under the definitions found in section 566.125] **who has been adjudicated for**
63 **the offense of:**

64 (a) **Sexual abuse in the first degree under section 566.100 if the**
65 **victim is eighteen years of age or older;**

66 (b) **Sexual misconduct involving a child under section 566.083 if**
67 **it is a first offense and the punishment is less than one year;**

68 (c) **Sexual abuse in the second degree under section 566.101 if**
69 **the punishment is less than a year;**

70 (d) **Kidnapping in the second degree under section 565.120 with**
71 **sexual motivation;**

72 (e) **Kidnapping in the third degree under section 565.130;**

73 (f) **Sexual conduct with a nursing facility resident or vulnerable**
74 **person in the first degree under section 566.115 if the punishment is**
75 **less than one year;**

76 (g) **Sexual conduct under section 566.116 with a nursing facility**
77 **resident or vulnerable person;**

78 (h) **Sexual contact with a prisoner or offender under section**
79 **566.145 if the victim is eighteen years of age or older;**

80 (i) **Sex with an animal under section 566.111;**

81 (j) **Trafficking for the purpose of sexual exploitation under**
82 **section 566.209 if the victim is eighteen years of age or older;**

83 (k) **Possession of child pornography under section 573.037;**

84 (l) **Sexual misconduct in the first degree under section 566.093;**

85 **(m) Sexual misconduct in the second degree under section**
86 **566.095;**

87 **(n) Child molestation in the second degree under section 566.068**
88 **as it existed prior to January 1, 2017, if the punishment is less than one**
89 **year; or**

90 **(o) Invasion of privacy under section 565.252 if the victim is less**
91 **than eighteen years of age;**

92 (2) [Any offender who is registered for a crime where the victim was less
93 than eighteen years of age at the time of the offense; and

94 (3) Any offender who has pled guilty or been found guilty pursuant to
95 section 589.425 of failing to register or submitting false information when
96 registering.

97 **4.] Any offender who is or has been adjudicated in any other**
98 **state, territory, the District of Columbia, or foreign country, or under**
99 **federal, tribal, or military jurisdiction of an offense of a sexual nature**
100 **or with a sexual element that is comparable to the tier I sexual offenses**
101 **listed in this subsection or, if not comparable to those in this**
102 **subsection, comparable to those described as tier I offenses under the**
103 **Sex Offender Registration and Notification Act, Title I of the Adam**
104 **Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.**

105 **6. Tier II sexual offenders,** in addition to the requirements of
106 subsections 1 [and 2] to 4 of this section, [all registrants] shall report
107 semiannually in person in the month of their birth and six months thereafter to
108 the chief law enforcement [agency] **official** to verify the information contained
109 in their statement made pursuant to section 589.407. [All registrants shall allow
110 the chief law enforcement officer to take a current photograph of the offender in
111 the month of his or her birth to the chief law enforcement agency.] **Tier II**
112 **sexual offenders include:**

113 **(1) Any offender who has been adjudicated for the offense of:**

114 **(a) Statutory sodomy in the second degree under section 566.064**
115 **if the victim is sixteen to seventeen years of age;**

116 **(b) Child molestation in the third degree under section 566.069**
117 **if the victim is between thirteen and fourteen years of age;**

118 **(c) Sexual contact with a student under section 566.086 if the**
119 **victim is thirteen to seventeen years of age;**

120 **(d) Enticement of a child under section 566.151;**

121 (e) Abuse of a child under section 568.060 if the offense is of a
122 sexual nature and the victim is thirteen to seventeen years of age;

123 (f) Sexual exploitation of a minor under section 573.023;

124 (g) Promoting child pornography in the first degree under
125 section 573.025;

126 (h) Promoting child pornography in the second degree under
127 section 573.035;

128 (i) Patronizing prostitution under section 567.030;

129 (j) Sexual contact with a prisoner or offender under section
130 566.145 if the victim is thirteen to seventeen years of age;

131 (k) Child molestation in the fourth degree under section 566.071
132 if the victim is thirteen to seventeen years of age;

133 (l) Sexual misconduct involving a child under section 566.083 if
134 it is a first offense and the penalty is a term of imprisonment of more
135 than a year; or

136 (m) Age misrepresentation with intent to solicit a minor under
137 section 566.153;

138 (2) Any person who is adjudicated of an offense comparable to
139 a tier I offense listed in this section or failure to register offense under
140 section 589.425 or comparable out-of-state failure to register offense
141 and who is already required to register as a tier I offender due to
142 having been adjudicated of a tier I offense on a previous occasion; or

143 (3) Any person who is or has been adjudicated in any other state,
144 territory, the District of Columbia, or foreign country, or under federal,
145 tribal, or military jurisdiction for an offense of a sexual nature or with
146 a sexual element that is comparable to the tier II sexual offenses listed
147 in this subsection or, if not comparable to those in this subsection,
148 comparable to those described as tier II offenses under the Sex
149 Offender Registration and Notification Act, Title I of the Adam Walsh
150 Child Protection and Safety Act of 2006, Pub. L. 109-248.

151 7. Tier III sexual offenders, in addition to the requirements of
152 subsections 1 to 4 of this section, shall report in person to the chief law
153 enforcement official every ninety days to verify the information
154 contained in their statement made under section 589.407. Tier III
155 sexual offenders include:

156 (1) Any offender registered as a predatory sexual offender as
157 defined in section 566.123 or a persistent sexual offender as defined in

158 **section 566.124;**

159 **(2) Any offender who has been adjudicated for the crime of:**

160 **(a) Rape in the first degree under section 566.030;**

161 **(b) Statutory rape in the first degree under section 566.032;**

162 **(c) Rape in the second degree under section 566.031;**

163 **(d) Endangering the welfare of a child in the first degree under**
164 **section 568.045 if the offense is sexual in nature;**

165 **(e) Sodomy in the first degree under section 566.060;**

166 **(f) Statutory sodomy under section 566.062;**

167 **(g) Statutory sodomy under section 566.064 if the victim is under**
168 **sixteen years of age;**

169 **(h) Sodomy in the second degree under section 566.061;**

170 **(i) Sexual misconduct involving a child under section 566.083 if**
171 **the offense is a second or subsequent offense;**

172 **(j) Sexual abuse in the first degree under section 566.100 if the**
173 **victim is under thirteen years of age;**

174 **(k) Kidnapping in the first degree under section 565.110 if the**
175 **victim is under eighteen years of age, excluding kidnapping by a parent**
176 **or guardian;**

177 **(l) Child kidnapping under section 565.115;**

178 **(m) Sexual conduct with a nursing facility resident or vulnerable**
179 **person in the first degree under section 566.115 if the punishment is**
180 **greater than a year;**

181 **(n) Incest under section 568.020;**

182 **(o) Endangering the welfare of a child in the first degree under**
183 **section 568.045 with sexual intercourse or deviate sexual intercourse**
184 **with a victim under eighteen years of age;**

185 **(p) Child molestation in the first degree under section 566.067;**

186 **(q) Child molestation in the second degree under section 566.068;**

187 **(r) Child molestation in the third degree under section 566.069**
188 **if the victim is under thirteen years of age;**

189 **(s) Promoting prostitution in the first degree under section**
190 **567.050 if the victim is under eighteen years of age;**

191 **(t) Promoting prostitution in the second degree under section**
192 **567.060 if the victim is under eighteen years of age;**

193 **(u) Promoting prostitution in the third degree under section**
194 **567.070 if the victim is under eighteen years of age;**

- 195 (v) Promoting travel for prostitution under section 567.085 if the
196 victim is under eighteen years of age;
- 197 (w) Trafficking for the purpose of sexual exploitation under
198 section 566.209 if the victim is under eighteen years of age;
- 199 (x) Sexual trafficking of a child in the first degree under section
200 566.210;
- 201 (y) Sexual trafficking of a child in the second degree under
202 section 566.211;
- 203 (z) Genital mutilation of a female child under section 568.065;
- 204 (aa) Statutory rape in the second degree under section 566.034;
- 205 (bb) Child molestation in the fourth degree under section 566.071
206 if the victim is under thirteen years of age;
- 207 (cc) Sexual abuse in the second degree under section 566.101 if
208 the penalty is a term of imprisonment of more than a year;
- 209 (dd) Patronizing prostitution under section 567.030 if the
210 offender is a persistent offender;
- 211 (ee) Abuse of a child under section 568.060 if the offense is of a
212 sexual nature and the victim is under thirteen years of age;
- 213 (ff) Sexual contact with a prisoner or offender under section
214 566.145 if the victim is under thirteen years of age;
- 215 (gg) Sexual intercourse with a prisoner or offender under section
216 566.145;
- 217 (hh) Sexual contact with a student under section 566.086 if the
218 victim is under thirteen years of age;
- 219 (ii) Use of a child in a sexual performance under section 573.200;
220 or
- 221 (jj) Promoting a sexual performance by a child under section
222 573.205;
- 223 (3) Any offender who is adjudicated for a crime comparable to a
224 tier I or tier II offense listed in this section or failure to register
225 offense under section 589.425, or other comparable out-of-state failure
226 to register offense, who has been or is already required to register as
227 a tier II offender because of having been adjudicated for a tier II
228 offense, two tier I offenses, or combination of a tier I offense and
229 failure to register offense, on a previous occasion;
- 230 (4) Any offender who is adjudicated in any other state, territory,
231 the District of Columbia, or foreign country, or under federal, tribal, or

232 **military jurisdiction for an offense of a sexual nature or with a sexual**
233 **element that is comparable to a tier III offense listed in this section or**
234 **a tier III offense under the Sex Offender Registration and Notification**
235 **Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006,**
236 **Pub. L. 109-248; or**

237 **(5) Any offender who is adjudicated in Missouri for any offense**
238 **of a sexual nature requiring registration under sections 589.400 to**
239 **589.425 that is not classified as a tier I or tier II offense in this section.**

240 [5.] **8.** In addition to the requirements of subsections 1 [and 2] to 7 of
241 this section, all Missouri registrants who work, **including as a volunteer or**
242 **unpaid intern,** or attend any school [or training] **whether public or private,**
243 **including any secondary school, trade school, professional school, or**
244 **institution of higher education,** on a full-time or part-time basis [in any other
245 state] **or have a temporary residence in this state** shall be required to
246 report in person to the chief law enforcement officer in the area of the state where
247 they work, **including as a volunteer or unpaid intern,** or attend any school
248 or training and register in that state. "Part-time" in this subsection means for
249 more than seven days in any twelve-month period.

250 [6.] **9.** If a person[,] who is required to register as a sexual offender
251 under sections 589.400 to 589.425[,] changes or obtains a new online identifier
252 as defined in section 43.651, the person shall report such information in the same
253 manner as a change of residence before using such online identifier.

589.426. 1. Any person required to register as a sexual offender under
2 sections 589.400 to 589.425 shall [be required] **avoid all Halloween-related**
3 **contact with children, and** on October thirty-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 p.m. and
6 10:30 p.m. unless required to be elsewhere for just cause[,] including, but not
7 limited to, employment or medical emergencies;

8 [(3)] **(2)** Post a sign at his or her residence stating, "No candy or treats
9 at this residence"; and

10 [(4)] **(3)** 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 sections
13 589.400 to 589.425 who violates the provisions of subsection 1 of this section shall
14 be guilty of a class A misdemeanor.

1 [566.125. 1. The court shall sentence a person to an
2 extended term of imprisonment if it finds the defendant is a
3 persistent sexual offender and has been found guilty of attempting
4 to commit or committing the following offenses:

5 (1) Statutory rape in the first degree or statutory sodomy
6 in the first degree;

7 (2) Rape in the first degree or sodomy in the first degree;

8 (3) Forcible rape;

9 (4) Forcible sodomy;

10 (5) Rape;

11 (6) Sodomy.

12 2. A "persistent sexual offender" is one who has previously
13 been found guilty of attempting to commit or committing any of the
14 offenses listed in subsection 1 of this section or one who has
15 previously been found guilty of an offense in any other jurisdiction
16 which would constitute any of the offenses listed in subsection 1 of
17 this section.

18 3. The term of imprisonment for one found to be a
19 persistent sexual offender shall be imprisonment for life without
20 eligibility for probation or parole. Subsection 4 of section 558.019
21 shall not apply to any person imprisoned under this subsection,
22 and "imprisonment for life" shall mean imprisonment for the
23 duration of the person's natural life.

24 4. The court shall sentence a person to an extended term of
25 imprisonment as provided for in this section if it finds the
26 defendant is a predatory sexual offender and has been found guilty
27 of committing or attempting to commit any of the offenses listed in
28 subsection 1 of this section or committing child molestation in the
29 first or second degree or sexual abuse when classified as a class B
30 felony.

31 5. For purposes of this section, a "predatory sexual
32 offender" is a person who:

33 (1) Has previously been found guilty of committing or
34 attempting to commit any of the offenses listed in subsection 1 of
35 this section, or committing child molestation in the first or second
36 degree, or sexual abuse when classified as a class B felony; or

37 (2) Has previously committed an act which would constitute
38 an offense listed in subsection 4 of this section, whether or not the
39 act resulted in a conviction; or

40 (3) Has committed an act or acts against more than one
41 victim which would constitute an offense or offenses listed in
42 subsection 4 of this section, whether or not the defendant was
43 charged with an additional offense or offenses as a result of such
44 act or acts.

45 6. A person found to be a predatory sexual offender shall be
46 imprisoned for life with eligibility for parole, however subsection 4
47 of section 558.019 shall not apply to persons found to be predatory
48 sexual offenders for the purposes of determining the minimum
49 prison term or the length of sentence as defined or used in such
50 subsection. Notwithstanding any other provision of law, in no
51 event shall a person found to be a predatory sexual offender receive
52 a final discharge from parole.

53 7. Notwithstanding any other provision of law, the court
54 shall set the minimum time required to be served before a
55 predatory sexual offender is eligible for parole, conditional release
56 or other early release by the department of corrections. The
57 minimum time to be served by a person found to be a predatory
58 sexual offender who:

59 (1) Has previously been found guilty of committing or
60 attempting to commit any of the offenses listed in subsection 1 of
61 this section and is found guilty of committing or attempting to
62 commit any of the offenses listed in subsection 1 of this section
63 shall be any number of years but not less than thirty years;

64 (2) Has previously been found guilty of child molestation in
65 the first or second degree, or sexual abuse when classified as a
66 class B felony and is found guilty of attempting to commit or
67 committing any of the offenses listed in subsection 1 of this section
68 shall be any number of years but not less than fifteen years;

69 (3) Has previously been found guilty of committing or
70 attempting to commit any of the offenses listed in subsection 1 of
71 this section, or committing child molestation in the first or second
72 degree, or sexual abuse when classified as a class B felony shall be

73 any number of years but not less than fifteen years;

74 (4) Has previously been found guilty of child molestation in

75 the first degree or second degree, or sexual abuse when classified

76 as a class B felony, and is found guilty of child molestation in the

77 first or second degree, or sexual abuse when classified as a class B

78 felony shall be any number of years but not less than fifteen years;

79 (5) Is found to be a predatory sexual offender pursuant to

80 subdivision (2) or (3) of subsection 5 of this section shall be any

81 number of years within the range to which the person could have

82 been sentenced pursuant to the applicable law if the person was

83 not found to be a predatory sexual offender.

84 8. Notwithstanding any provision of law to the contrary, the

85 department of corrections, or any division thereof, may not furlough

86 an individual found to be and sentenced as a persistent sexual

87 offender or a predatory sexual offender.]

✓
Bill

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