

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 60
100TH GENERAL ASSEMBLY

0147H.06C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 217.735, 558.019, 559.106, 589.400, 589.401, and 589.414, RSMo, and to enact in lieu thereof seven new sections relating to criminal offenses.

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

Section A. Sections 217.735, 558.019, 559.106, 589.400, 589.401, and 589.414, RSMo, is repealed and seven new sections enacted in lieu thereof, to be known as sections 217.735, 441.920, 558.019, 559.106, 589.400, 589.401, and 589.414, to read as follows:

217.735. 1. Notwithstanding any other provision of law to the contrary, the board shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 sentence without early release. Supervision of an offender who was released after serving his
17 or her full sentence will be considered as supervision on parole.

18 4. A mandatory condition of lifetime supervision of an offender under this section is that
19 the offender be electronically monitored. Electronic monitoring shall be based on a global
20 positioning system or other technology that identifies and records the offender's location at all
21 times.

22 5. In appropriate cases as determined by a risk assessment, the board may terminate the
23 supervision of an offender who is being supervised under this section when the offender is sixty-
24 five years of age or older.

25 6. In accordance with section 217.040, the board may adopt rules relating to supervision
26 and electronic monitoring of offenders under this section.

27 **7. If an offender subject to lifetime supervision under this section is supervised**
28 **during the offender's probation, parole, or conditional release in a receiving state under**
29 **the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following**
30 **completion of probation, parole, or conditional release the offender shall be permitted to**
31 **remain in the receiving state, and the board shall defer to the standards of supervision of**
32 **the receiving state, including electronic monitoring. If at any time the offender returns to**
33 **Missouri for more than thirty consecutive days, the offender shall be subject to lifetime**
34 **supervision required by this section.**

441.920. 1. For purposes of this section, the following terms mean:

2 **(1) "Domestic violence", as such term is defined in section 455.010;**

3 **(2) "Sexual assault", as such term is defined in section 455.010;**

4 **(3) "Stalking", as such term is defined in section 455.010.**

5 **2. No applicant, tenant, or lessee shall be denied tenancy, be evicted from the**
6 **premises, or found to be in violation of a lease agreement on the basis of or as a direct**
7 **result of the fact that the applicant, tenant, or lessee is, has been, or is in imminent danger**
8 **of becoming a victim of domestic violence, sexual assault, or stalking if the applicant,**
9 **tenant, or lessee otherwise qualifies for tenancy or occupancy in the premises. The**
10 **provisions of this subsection shall not apply if:**

11 **(1) The applicant, tenant, or lessee allowed the person named in any documentation**
12 **listed in subsection 4 of this section into the premises; or**

13 **(2) The landlord or property owner reasonably believes that a person named in any**
14 **documentation listed in subsection 4 of this section poses a threat to the safety of the other**
15 **occupants or the property.**

16 **3. In any action brought by a landlord against a tenant under this chapter, chapter**
17 **534, or chapter 535, a tenant shall have an affirmative defense and not be liable for rent**

18 for the period after which the tenant vacates the premises owned by the landlord if, by a
19 preponderance of the evidence, the court finds that the tenant was a victim or was in
20 imminent danger of becoming a victim of domestic violence, sexual assault, or stalking and
21 the tenant notified the landlord and has provided any requested documentation under
22 subsection 4 of this section.

23 4. An applicant, tenant, or lessee shall qualify for the protections under this section
24 if he or she provides a statement of such domestic violence, sexual assault, or stalking to
25 his or her landlord or the property owner. If the landlord or property owner requests, the
26 applicant, tenant, or lessee shall provide documentation of the domestic violence, sexual
27 assault, or stalking, which may be in any of the following forms:

28 (1) A document verified under penalty of perjury signed by an employee of a victim
29 service provider, or a health care professional or mental health professional from whom
30 the victim has sought assistance relating to domestic violence, sexual assault, stalking, or
31 the effects of abuse stating that, under penalty of perjury, the individual believes in the
32 occurrence of the incident of domestic violence, sexual assault, or stalking that is the
33 ground for protection, and that the incident meets the applicable definition of domestic
34 violence, sexual assault, or stalking. Such document shall be signed by the victim; or

35 (2) A record of a federal, state, or local law enforcement agency, including a police
36 report, a court, or an administrative agency pertaining to the alleged incident of domestic
37 violence, sexual assault, or stalking.

38 5. The submission of false information by an applicant, tenant, or lessee under this
39 section may be a basis for a denial of tenancy, eviction, or a violation of a lease agreement.

40 6. Any landlord or property owner may impose a reasonable termination fee on a
41 tenant or lessee who desires to terminate a lease before the expiration date of such lease
42 under the provisions of this section; however, no such fee shall exceed a termination fee
43 that is imposed on a tenant or lessee who terminates a lease prior to the expiration date of
44 the lease in circumstances not provided for under this section.

45 7. The provisions of this section shall only apply to residential properties.

558.019. 1. This section shall not be construed to affect the powers of the governor
2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms
4 of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall **only** be applicable to ~~all~~
6 ~~classes of felonies except those set forth in chapter 579, or in chapter 195 prior to January 1,~~
7 ~~2017, and those otherwise excluded in subsection 1 of this section] the offenses contained in~~
8 **sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073,**

9 **565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030,**
10 **566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,**
11 **566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151,**
12 **566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060,**
13 **568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030** when punished as a class A,
14 **B, or C felony, 570.145** when punished as a class A or B felony, **570.223** when punished as
15 **a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200,**
16 **573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200**
17 **when punished as a class A felony, 575.210, 575.230** when punished as a class B felony,
18 **575.240** when punished as a class B felony, **576.070, 576.080, 577.010, 577.013, 577.078,**
19 **577.703, and 577.706** when punished as a class A or B felony. For the purposes of this
20 section, "prison commitment" means and is the receipt by the department of corrections of an
21 offender after sentencing. For purposes of this section, prior prison commitments to the
22 department of corrections shall not include an offender's first incarceration prior to release on
23 probation under section 217.362 or 559.115. Other provisions of the law to the contrary
24 notwithstanding, any offender who has been found guilty of a felony other than a dangerous
25 felony as defined in section 556.061 and is committed to the department of corrections shall be
26 required to serve the following minimum prison terms:

27 (1) If the offender has one previous prison commitment to the department of corrections
28 for a felony offense, the minimum prison term which the offender must serve shall be forty
29 percent of his or her sentence or until the offender attains seventy years of age, and has served
30 at least thirty percent of the sentence imposed, whichever occurs first;

31 (2) If the offender has two previous prison commitments to the department of corrections
32 for felonies unrelated to the present offense, the minimum prison term which the offender must
33 serve shall be fifty percent of his or her sentence or until the offender attains seventy years of
34 age, and has served at least forty percent of the sentence imposed, whichever occurs first;

35 (3) If the offender has three or more previous prison commitments to the department of
36 corrections for felonies unrelated to the present offense, the minimum prison term which the
37 offender must serve shall be eighty percent of his or her sentence or until the offender attains
38 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
39 occurs first.

40 3. Other provisions of the law to the contrary notwithstanding, any offender who has
41 been found guilty of a dangerous felony as defined in section 556.061 and is committed to the
42 department of corrections shall be required to serve a minimum prison term of eighty-five
43 percent of the sentence imposed by the court or until the offender attains seventy years of age,
44 and has served at least forty percent of the sentence imposed, whichever occurs first.

45 4. For the purpose of determining the minimum prison term to be served, the following
46 calculations shall apply:

47 (1) A sentence of life shall be calculated to be thirty years;

48 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
49 offenses committed at or near the same time which is over seventy-five years shall be calculated
50 to be seventy-five years.

51 5. For purposes of this section, the term "minimum prison term" shall mean time
52 required to be served by the offender before he or she is eligible for parole, conditional release
53 or other early release by the department of corrections.

54 6. **The provisions of subsections 2 to 5 of this section shall also apply to any offense**
55 **which a person pled guilty to, or was convicted of, on or before August 28, 2019.**

56 7. (1) A sentencing advisory commission is hereby created to consist of eleven
57 members. One member shall be appointed by the speaker of the house. One member shall be
58 appointed by the president pro tem of the senate. One member shall be the director of the
59 department of corrections. Six members shall be appointed by and serve at the pleasure of the
60 governor from among the following: the public defender commission; private citizens; a private
61 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members
62 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.
63 All members shall be appointed to a four-year term. All members of the sentencing commission
64 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory
65 commission at the pleasure of the governor.

66 (2) The commission shall study sentencing practices in the circuit courts throughout the
67 state for the purpose of determining whether and to what extent disparities exist among the
68 various circuit courts with respect to the length of sentences imposed and the use of probation
69 for offenders convicted of the same or similar offenses and with similar criminal histories. The
70 commission shall also study and examine whether and to what extent sentencing disparity among
71 economic and social classes exists in relation to the sentence of death and if so, the reasons
72 therefor, if sentences are comparable to other states, if the length of the sentence is appropriate,
73 and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw
74 conclusions, and perform other duties relevant to the research and investigation of disparities in
75 death penalty sentencing among economic and social classes.

76 (3) The commission shall study alternative sentences, prison work programs, work
77 release, home-based incarceration, probation and parole options, and any other programs and
78 report the feasibility of these options in Missouri.

79 (4) The governor shall select a chairperson who shall call meetings of the commission
80 as required or permitted pursuant to the purpose of the sentencing commission.

81 (5) The members of the commission shall not receive compensation for their duties on
82 the commission, but shall be reimbursed for actual and necessary expenses incurred in the
83 performance of these duties and for which they are not reimbursed by reason of their other paid
84 positions.

85 (6) The circuit and associate circuit courts of this state, the office of the state courts
86 administrator, the department of public safety, and the department of corrections shall cooperate
87 with the commission by providing information or access to information needed by the
88 commission. The office of the state courts administrator will provide needed staffing resources.

89 ~~[7.]~~ **8.** Courts shall retain discretion to lower or exceed the sentence recommended by
90 the commission as otherwise allowable by law, and to order restorative justice methods, when
91 applicable.

92 ~~[8.]~~ **9.** If the imposition or execution of a sentence is suspended, the court may order any
93 or all of the following restorative justice methods, or any other method that the court finds just
94 or appropriate:

95 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
96 of the offender's actions;

97 (2) Offender treatment programs;

98 (3) Mandatory community service;

99 (4) Work release programs in local facilities; and

100 (5) Community-based residential and nonresidential programs.

101 ~~[9.]~~ **10.** The provisions of this section shall apply only to offenses occurring on or after
102 August 28, 2003.

103 ~~[10.]~~ **11.** Pursuant to subdivision (1) of subsection ~~[8]~~ **9** of this section, the court may
104 order the assessment and payment of a designated amount of restitution to a county law
105 enforcement restitution fund established by the county commission pursuant to section 50.565.
106 Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution
107 moneys deposited into the county law enforcement restitution fund pursuant to this section shall
108 only be expended pursuant to the provisions of section 50.565.

109 ~~[11.]~~ **12.** A judge may order payment to a restitution fund only if such fund had been
110 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A
111 judge shall not have any direct supervisory authority or administrative control over any fund to
112 which the judge is ordering a person to make payment.

113 ~~[12.]~~ **13.** A person who fails to make a payment to a county law enforcement restitution
114 fund may not have his or her probation revoked solely for failing to make such payment unless
115 the judge, after evidentiary hearing, makes a finding supported by a preponderance of the
116 evidence that the person either willfully refused to make the payment or that the person willfully,

117 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources
118 to pay.

119 ~~[13.]~~ **14.** Nothing in this section shall be construed to allow the sentencing advisory
120 commission to issue recommended sentences in specific cases pending in the courts of this state.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has been found guilty of an offense in:

3 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
4 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August
5 28, 2006; or

6 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
7 committed on or after January 1, 2017, against a victim who was less than fourteen years of age
8 and the offender is a prior sex offender as defined in subsection 2 of this section;

9 the court shall order that the offender be supervised by the board of probation and parole for the
10 duration of his or her natural life.

11 2. For the purpose of this section, a prior sex offender is a person who has previously
12 been found guilty of an offense contained in chapter 566, or violating section 568.020, when the
13 person had sexual intercourse or deviate sexual intercourse with the victim, or of violating
14 subdivision (2) of subsection 1 of section 568.045.

15 3. When probation for the duration of the offender's natural life has been ordered, a
16 mandatory condition of such probation is that the offender be electronically monitored.
17 Electronic monitoring shall be based on a global positioning system or other technology that
18 identifies and records the offender's location at all times.

19 4. In appropriate cases as determined by a risk assessment, the court may terminate the
20 probation of an offender who is being supervised under this section when the offender is sixty-
21 five years of age or older.

22 **5. If an offender subject to lifetime supervision under this section is supervised**
23 **during the offender's probation, parole, or conditional release in a receiving state under**
24 **the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following**
25 **completion of probation, parole, or conditional release the offender shall be permitted to**
26 **remain in the receiving state, and the board shall defer to the standards of supervision of**
27 **the receiving state, including electronic monitoring. If at any time the offender returns to**
28 **Missouri for more than thirty consecutive days, the offender shall be subject to lifetime**
29 **supervision required by this 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 adjudicated for an
3 offense referenced in section 589.414, unless such person is exempt from registering under
4 subsection 9 or 10 of this section or section 589.401;

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

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

25 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
26 disease or defect of any offense referenced in section 589.414;

27 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
28 who has been adjudicated for an offense listed under section 589.414;

29 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
30 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
31 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

32 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
33 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,
34 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,
35 would constitute an offense listed under section 589.414, or has been or is required to register
36 in another state, territory, the District of Columbia, or foreign country, or has been or is required
37 to register under tribal, federal, or military law; or

38 (8) Any person who has been or is required to register in another state, territory, the
39 District of Columbia, or foreign country, or has been or is required to register under tribal,
40 federal, or military law and who works or attends an educational institution, whether public or
41 private in nature, including any secondary school, trade school, professional school, or institution
42 of higher education on a full-time or on a part-time basis or has a temporary residence in
43 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
44 period.

45 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
46 days of adjudication, release from incarceration, or placement upon probation, register with the
47 chief law enforcement official of the county or city not within a county in which such person
48 resides unless such person has already registered in that county for the same offense. For any
49 juvenile under subdivision (6) of subsection 1 of this section, within three business days of
50 adjudication or release from commitment to the division of youth services, the department of
51 mental health, or other placement, such juvenile shall register with the chief law enforcement
52 official of the county or city not within a county in which he or she resides unless he or she has
53 already registered in such county or city not within a county for the same offense. Any person
54 to whom sections 589.400 to 589.425 apply if not currently registered in their county of
55 residence shall register with the chief law enforcement official of such county or city not within
56 a county within three business days. The chief law enforcement official shall forward a copy of
57 the registration form required by section 589.407 to a city, town, village, or campus law
58 enforcement agency located within the county of the chief law enforcement official.

59 3. The registration requirements of sections 589.400 through 589.425 shall be as
60 provided under subsection 4 of this section unless:

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

62 (2) ~~[(The registrant is no longer required to register and his or her name shall be removed~~
63 ~~from the registry under the provisions of section 589.414; or~~

64 ~~——(3)]~~ The court orders the removal or exemption of such person from the registry under
65 section 589.401.

66 4. The registration requirements shall be as follows:

67 (1) Fifteen years if the offender is a tier I sex offender as provided under section
68 589.414;

69 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
70 589.414; or

71 (3) The life of the offender if the offender is a tier III sex offender.

72 5. (1) The registration period shall be reduced as described in subdivision (3) of this
73 subsection for a sex offender who maintains a clean record for the periods described under
74 subdivision (2) of this subsection by:

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

77 (b) Not being adjudicated of any sex offense;

78 (c) Successfully completing any periods of supervised release, probation, or parole; and

79 (d) Successfully completing an appropriate sex offender treatment program certified by
80 the attorney general.

81 (2) In the case of a:

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

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

87 (3) In the case of a:

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

89 (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period
90 for which the clean record under paragraph (b) of subdivision (2) of this subsection is
91 maintained.

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

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

98 8. Any person currently on the sexual offender registry or who otherwise would be
99 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
100 nature when the victim was a child and he or she was the parent or guardian of the child,
101 nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual
102 nature when the victim was a child and he or she was the parent or guardian of the child shall be
103 removed from the registry. However, such person shall remain on the sexual offender registry
104 for any other offense for which he or she is required to register under sections 589.400 to
105 589.425.

106 9. The following persons shall be exempt from registering as a sexual offender upon
107 petition to the court of jurisdiction under section 589.401; except that, such person shall remain

108 on the sexual offender registry for any other offense for which he or she is required to register
109 under sections 589.400 to 589.425:

110 (1) Any person currently on the sexual offender registry or who otherwise would be
111 required to register for a sexual offense involving:

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

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

118 (2) Any person currently required to register for the following sexual offenses:

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

120 (b) Promoting obscenity in the second degree under section 573.030;

121 (c) Furnishing pornographic materials to minors under section 573.040;

122 (d) Public display of explicit sexual material under section 573.060;

123 (e) Coercing acceptance of obscene material under section 573.065;

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

126 (g) Abusing an individual through forced labor under section 566.203;

127 (h) Contributing to human trafficking through the misuse of documentation under section
128 566.215; or

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

131 10. Any person currently on the sexual offender registry for having been adjudicated for
132 a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses
133 listed under section 589.414 may file a petition under section 589.401.

134 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
135 student shall register for the duration of such person's employment, including participation as a
136 volunteer or intern, or attendance at any school of higher education whether public or private,
137 including any secondary school, trade school, professional school, or institution of higher
138 education on a full-time or part-time basis in this state unless granted relief under section
139 589.401. Any registered offender shall provide information regarding any place in which the
140 offender is staying when away from his or her residence for seven or more days, including the
141 period of time the offender is staying in such place. Any registered offender from another state
142 who has a temporary residence in this state and resides more than seven days in a twelve-month

143 period shall register for the duration of such person's temporary residency unless granted relief
144 under section 589.401.

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

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

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

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

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

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

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

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

26 (1) The petitioner's:

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

28 (b) Sex;

29 (c) Race;

30 (d) Date of birth;

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

32 (f) Address; and

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

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

- 35 (3) The date the petitioner was adjudicated for the offense;
- 36 (4) The date the petitioner was required to register;
- 37 (5) The case number and court, including the county or city not within a county, that
38 entered the original order for the adjudicated sex offense;
- 39 (6) Petitioner's fingerprints on an applicant fingerprint card;
- 40 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
41 vacated, or set aside, an authenticated copy of the order; and
- 42 (8) If the petitioner is currently registered under applicable law and has not been
43 adjudicated for failure to register in any jurisdiction and does not have any charges pending for
44 failure to register.
- 45 6. The petition shall name as respondents the Missouri state highway patrol and the chief
46 law enforcement official in the county or city not within a county in which the petition is filed.
- 47 7. All proceedings under this section shall be governed under the Missouri supreme court
48 rules of civil procedure.
- 49 8. The person seeking removal or exemption from the registry shall provide the
50 prosecuting attorney in the circuit court in which the petition is filed with notice of the petition.
51 The prosecuting attorney may present evidence in opposition to the requested relief or may
52 otherwise demonstrate the reasons why the petition should be denied. Failure of the person
53 seeking removal or exemption from the registry to notify the prosecuting attorney of the petition
54 shall result in an automatic denial of such person's petition.
- 55 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
56 access to all applicable records concerning the petitioner including, but not limited to, criminal
57 history records, mental health records, juvenile records, and records of the department of
58 corrections or probation and parole.
- 59 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
60 crime for which the person was required to register of the petition and the dates and times of any
61 hearings or other proceedings in connection with such petition.
- 62 11. The court shall not enter an order directing the removal of the petitioner's name from
63 the sexual offender registry unless it finds the petitioner:
- 64 (1) Has not been adjudicated or does not have charges pending for any additional
65 nonsexual offense for which imprisonment for more than one year may be imposed since the date
66 the offender was required to register for his or her current tier level;
- 67 (2) Has not been adjudicated or does not have charges pending for any additional sex
68 offense that would require registration under sections 589.400 to 589.425 since the date the
69 offender was required to register for his or her current tier level, even if the offense was
70 punishable by less than one year imprisonment;

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

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

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

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

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

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

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

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

91 14. If the petition is denied due to the petitioner having charges pending in violation of
92 subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition
93 under this section until:

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

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

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

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

104 17. Any person subject to the judgment requiring his or her name to be removed from
105 the sexual offender registry is not required to register under sections 589.400 to 589.425 unless

106 such person is required to register for an offense that was different from that listed on the
107 judgment of removal.

108 18. The court shall not deny the petition unless the petition failed to comply with the
109 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
110 demonstrating the petition should be denied.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
2 three business days, appear in person to the chief law enforcement officer of the county or city
3 not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

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

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;
- 15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
- 17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

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

22 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the person
25 last registered and the chief law enforcement official of the county or city not within a county
26 having jurisdiction over the new residence or address in writing within three business days of
27 such new address and phone number, if the phone number is also changed. If any person
28 required by sections 589.400 to 589.425 to register changes his or her state, territory, the District
29 of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person
30 shall appear in person and shall inform both the chief law enforcement official with whom the
31 person was last registered and the chief law enforcement official of the area in the new state,

32 territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction
 33 having jurisdiction over the new residence or address within three business days of such new
 34 address. Whenever a registrant changes residence, the chief law enforcement official of the
 35 county or city not within a county where the person was previously registered shall inform the
 36 Missouri state highway patrol of the change within three business days. When the registrant is
 37 changing the residence to a new state, territory, the District of Columbia, or foreign country, or
 38 federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the
 39 responsible official in the new state, territory, the District of Columbia, or foreign country, or
 40 federal, tribal, or military jurisdiction of residence within three business days.

41 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
 42 section, shall report in person to the chief law enforcement official annually in the month of their
 43 birth to verify the information contained in their statement made pursuant to section 589.407.
 44 Tier I sexual offenders include:

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

46 (a) ~~Sexual abuse in the first degree under section 566.100 if the victim is eighteen years~~
 47 ~~of age or older;~~

48 ~~—(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and~~
 49 ~~the punishment is less than one year;~~

50 ~~—(c) Sexual misconduct in the first degree under section 566.090 as it existed prior~~
 51 ~~to August 28, 2013, or sexual abuse in the second degree under section 566.101 [if the~~
 52 ~~punishment is less than a year] , if either offense is a misdemeanor;~~

53 ~~[(d) Kidnapping in the second degree under section 565.120 with sexual motivation;~~

54 ~~—(e) Kidnapping in the third degree under section 565.130;~~

55 ~~—(f) (b) Sexual conduct with a nursing facility resident or vulnerable person in the first~~
 56 ~~degree under section 566.115 [if the punishment is less than one year] if the offense is a~~
 57 ~~misdemeanor;~~

58 ~~[(g) (c) Sexual conduct under section 566.116 with a nursing facility resident or~~
 59 ~~vulnerable person;~~

60 ~~[(h) (d) Sexual [contact] conduct with a prisoner or offender under section 566.145 if~~
 61 ~~the victim is eighteen years of age or older;~~

62 ~~[(i) (e) Sex with an animal under section 566.111;~~

63 ~~[(j) (f) Trafficking for the purpose of sexual exploitation under section 566.209 if the~~
 64 ~~victim is eighteen years of age or older;~~

65 ~~[(k) (g) Possession of child pornography under section 573.037;~~

66 ~~[(l) (h) Sexual misconduct in the second degree under section 566.093 as it existed~~
 67 ~~prior to August 28, 2013, or sexual misconduct in the first degree under section 566.093;~~

68 ~~[(m)]~~ (i) **Sexual misconduct in the third degree under section 566.095 as it existed**
69 **prior to August 28, 2013, or** sexual misconduct in the second degree under section 566.095;

70 ~~[(n)]~~ (j) Child molestation in the second degree under section 566.068 as it existed prior
71 to January 1, 2017, ~~[if the punishment is less than one year]~~ **if the offense is a misdemeanor;**
72 **[or**

73 ~~——(o)]~~ (k) Invasion of privacy under section 565.252 if the victim is less than eighteen
74 years of age; **or**

75 (l) **Sexual assault in the second degree under section 566.050 as it existed prior to**
76 **August 28, 1994, if no force or threat of force was used and no injury was inflicted on any**
77 **person;**

78 (2) Any offender who is or has been adjudicated in any other state, territory, the District
79 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of
80 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in
81 this subsection or, if not comparable to those in this subsection, comparable to those described
82 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
83 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

84 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
85 section, shall report semiannually in person in the month of their birth and six months thereafter
86 to the chief law enforcement official to verify the information contained in their statement made
87 pursuant to section 589.407. Tier II sexual offenders include:

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

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

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

93 ~~(c) [Sexual contact with a student under section 566.086 if the victim is thirteen to~~
94 ~~seventeen years of age;~~

95 ~~——(d)]~~ Enticement of a child under section 566.151;

96 ~~[(e)]~~ (d) Abuse of a child under section 568.060 if the offense is of a sexual nature and
97 the victim is thirteen to seventeen years of age;

98 ~~[(f)]~~ (e) Sexual exploitation of a minor under section 573.023;

99 ~~[(g)]~~ (f) Promoting child pornography in the first degree under section 573.025;

100 ~~[(h)]~~ (g) Promoting child pornography in the second degree under section 573.035;

101 ~~[(i)]~~ (h) Patronizing prostitution under section 567.030;

102 ~~[(j)]~~ (i) Sexual contact with a prisoner or offender under section 566.145 if the victim
103 is thirteen to seventeen years of age;

104 ~~[(k)]~~ (j) Child molestation in the fourth degree under section 566.071 if the victim is
105 thirteen to seventeen years of age;

106 ~~[(l)]~~ (k) Sexual misconduct involving a child under section 566.083 if it is a first offense
107 ~~[and the penalty is a term of imprisonment of more than a year]; ~~or~~~~

108 ~~——(m)]~~ (l) Age misrepresentation with intent to solicit a minor under section 566.153; **or**
109 **(m) Sexual misconduct in the first degree under section 566.090 as it existed prior**
110 **to August 28, 2013, or sexual abuse in the second degree under section 566.101, if either**
111 **offense is a felony;**

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

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

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

126 (1) Any offender registered as a predatory sexual offender as defined in section
127 ~~[566.123]~~ **566.125** or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;

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

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

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

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

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

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

135 (f) Statutory sodomy under section 566.062;

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

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

138 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second
139 or subsequent offense;

- 140 (j) **Sexual abuse under section 566.100 as it existed prior to August 28, 2013, or**
141 sexual abuse in the first degree under section 566.100 ~~[if the victim is under thirteen years of~~
142 ~~age];~~
- 143 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
144 years of age, excluding kidnapping by a parent or guardian;
- 145 (l) Child kidnapping under section 565.115;
- 146 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
147 degree under section 566.115 ~~[if the punishment is greater than a year] if the offense is a felony;~~
- 148 (n) Incest under section 568.020;
- 149 (o) Endangering the welfare of a child in the first degree under section 568.045 with
150 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 151 (p) Child molestation in the first degree under section 566.067;
- 152 (q) Child molestation in the second degree under section 566.068;
- 153 (r) Child molestation in the third degree under section 566.069 if the victim is under
154 thirteen years of age;
- 155 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
156 eighteen years of age;
- 157 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
158 under eighteen years of age;
- 159 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
160 eighteen years of age;
- 161 (v) Promoting travel for prostitution under section 567.085 if the victim is under
162 eighteen years of age;
- 163 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
164 is under eighteen years of age;
- 165 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 166 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 167 (z) Genital mutilation of a female child under section 568.065;
- 168 (aa) Statutory rape in the second degree under section 566.034;
- 169 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
170 thirteen years of age;
- 171 (cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term~~
172 ~~of imprisonment of more than a year] if the offense is a felony;~~
- 173 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
174 offender;

- 175 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
176 victim is under thirteen years of age;
- 177 (ff) Sexual ~~[contact]~~ **conduct** with a prisoner or offender under section 566.145 if the
178 victim is under thirteen years of age;
- 179 (gg) Sexual ~~[intercourse]~~ **conduct** with a prisoner or offender under section 566.145;
- 180 (hh) Sexual contact with a student under section 566.086 if the victim is ~~[under thirteen]~~
181 **eighteen** years of age **or under**;
- 182 (ii) Use of a child in a sexual performance under section 573.200; ~~[or]~~
- 183 (jj) **Felonious restraint under section 565.120 as it existed prior to January 1, 2017,**
184 **or kidnapping in the second degree under section 565.120, if either offense is sexual in**
185 **nature**;
- 186 (kk) **False imprisonment under section 565.130 as it existed prior to January 1,**
187 **2017, or kidnapping in the third degree under section 565.130, if either offense is sexual in**
188 **nature or if the victim is a minor and the offense is a felony**;
- 189 (ll) **Sexual assault in the second degree under section 566.050 as it existed prior to**
190 **August 28, 1994, if the offense is a class C felony; or**
- 191 (mm) Promoting a sexual performance by a child under section 573.205;
- 192 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
193 listed in this section or failure to register offense under section 589.425, or other comparable out-
194 of-state failure to register offense, who has been or is already required to register as a tier II
195 offender because of having been adjudicated for a tier II offense, two tier I offenses, or
196 combination of a tier I offense and failure to register offense, on a previous occasion;
- 197 (4) Any offender who is adjudicated in any other state, territory, the District of
198 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
199 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
200 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of
201 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or
- 202 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
203 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II
204 offense in this section.
- 205 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
206 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
207 public or private, including any secondary school, trade school, professional school, or institution
208 of higher education, on a full-time or part-time basis or have a temporary residence in this state
209 shall be required to report in person to the chief law enforcement officer in the area of the state
210 where they work, including as a volunteer or unpaid intern, or attend any school or training and

211 register in that state. "Part-time" in this subsection means for more than seven days in any
212 twelve-month period.

213 9. If a person who is required to register as a sexual offender under sections 589.400 to
214 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
215 report such information in the same manner as a change of residence before using such online
216 identifier.

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