

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 114

AN ACT

To repeal sections 217.735 and 589.414, RSMo, and to enact in lieu thereof two new sections relating to electronic monitoring of certain sexual offenders while relocating.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 217.735 and 589.414, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 217.735 and 589.414, to read as follows:

217.735. 1. Notwithstanding any other provision of law to the contrary, the division of probation and parole 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 sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

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

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

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

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

- (1) Name;
- (2) Residence;

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

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

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

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

4. (1) If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number,

if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county and such person was convicted of or entered a plea of guilty or nolo contendere to the offense of child molestation in the first degree, the person, in addition to the requirements under this subdivision, shall also be required to deposit his or her driver's license with the chief law enforcement official with whom the person last registered. If the person registers with the chief law enforcement official having jurisdiction over the new residence or address and the official verifies the new residence or address, the license shall be returned. If the person fails to register within three business days with the chief law enforcement official having jurisdiction over the new residence or address, the person shall be guilty of the offense of failure to register, under section 589.425, and a warrant for the person's arrest shall be issued, the person's driver's license shall be suspended, and the person shall be required to be electronically monitored for a period of two years regardless of whether the person is sentenced to a term of imprisonment. The person shall be responsible for all costs associated with electronic monitoring.

(2) If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement

official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address.

(3) Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

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

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

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

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

(c) Sexual abuse in the second degree under section 566.101

if the punishment is less than a year;

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

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

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

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

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

(i) Sex with an animal under section 566.111;

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

(k) Possession of child pornography under section 573.037;

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

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

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

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

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an

offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

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

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

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

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

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

(d) Enticement of a child under section 566.151;

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

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

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

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

(i) Patronizing prostitution under section 567.030;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Statutory sodomy under section 566.062;

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

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

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

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

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

(l) Child kidnapping under section 565.115;

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

(n) Incest under section 568.020;

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

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

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

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

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

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

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

(v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;

(w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;

(x) Sexual trafficking of a child in the first degree under section 566.210;

(y) Sexual trafficking of a child in the second degree under section 566.211;

(z) Genital mutilation of a female child under section 568.065;

(aa) Statutory rape in the second degree under section 566.034;

(bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;

(cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;

(dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;

(ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;

(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;

(gg) Sexual intercourse with a prisoner or offender under section 566.145;

(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;

(ii) Use of a child in a sexual performance under section 573.200; or

(jj) Promoting a sexual performance by a child under section 573.205;

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is

already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

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

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

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