

FIRST REGULAR SESSION

# SENATE BILL NO. 244

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 14, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0844S.01I

## AN ACT

To repeal section 589.414, RSMo, and to enact in lieu thereof one new section relating to registration as a sex offender for certain offenses.

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

Section A. Section 589.414, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 589.414, to read as follows:

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

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

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

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

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

20 electronic communication.

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

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

48           5. Tier I sexual offenders, in addition to the requirements of subsections  
49 1 to 4 of this section, shall report in person to the chief law enforcement official  
50 annually in the month of their birth to verify the information contained in their  
51 statement made pursuant to section 589.407. Tier I sexual offenders include:

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

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

55           (b) Sexual misconduct involving a child under section 566.083 if it is a

56 first offense and the punishment is less than one year;

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

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

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

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

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

66 (h) Sexual [contact] **conduct** with a prisoner or offender under section  
67 566.145 if the victim is eighteen years of age or older;

68 (i) Sex with an animal under section 566.111;

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

71 (k) Possession of child pornography under section 573.037;

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

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

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

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

78 **(p) Burglary in the first degree under section 569.160, burglary**  
79 **in the second degree under section 569.170, robbery in the first degree**  
80 **under section 570.023, robbery in the second degree under section**  
81 **570.025, and stealing under section 570.030 if the property stolen was**  
82 **sexual in nature. For purposes of this paragraph, the term "sexual in**  
83 **nature" shall include any article of personal property that elicits a**  
84 **feeling of sexual arousal, sexual excitement, or sexual fulfillment from**  
85 **the person that stole the property;**

86 (2) Any offender who is or has been adjudicated in any other state,  
87 territory, the District of Columbia, or foreign country, or under federal, tribal, or  
88 military jurisdiction of an offense of a sexual nature or with a sexual element that  
89 is comparable to the tier I sexual offenses listed in this subsection or, if not  
90 comparable to those in this subsection, comparable to those described as tier I  
91 offenses under the Sex Offender Registration and Notification Act, Title I of the

92 Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

93 6. Tier II sexual offenders, in addition to the requirements of subsections  
94 1 to 4 of this section, shall report semiannually in person in the month of their  
95 birth and six months thereafter to the chief law enforcement official to verify the  
96 information contained in their statement made pursuant to section 589.407. Tier  
97 II sexual offenders include:

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

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

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

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

105 (d) Enticement of a child under section 566.151;

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

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

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

110 (h) Promoting child pornography in the second degree under section  
111 573.035;

112 (i) Patronizing prostitution under section 567.030;

113 (j) Sexual **[contact] conduct** with a prisoner or offender under section  
114 566.145 if the victim is thirteen to seventeen years of age;

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

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

119 (m) Age misrepresentation with intent to solicit a minor under section  
120 566.153;

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

126 (3) Any person who is or has been adjudicated in any other state,  
127 territory, the District of Columbia, or foreign country, or under federal, tribal, or

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

133 7. Tier III sexual offenders, in addition to the requirements of subsections  
134 1 to 4 of this section, shall report in person to the chief law enforcement official  
135 every ninety days to verify the information contained in their statement made  
136 under section 589.407. Tier III sexual offenders include:

137 (1) Any offender registered as a predatory sexual offender as defined in  
138 section 566.123 or a persistent sexual offender as defined in section 566.124;

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

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

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

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

143 (d) Endangering the welfare of a child in the first degree under section  
144 568.045 if the offense is sexual in nature;

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

146 (f) Statutory sodomy under section 566.062;

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

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

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

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

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

156 (l) Child kidnapping under section 565.115;

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

159 (n) Incest under section 568.020;

160 (o) Endangering the welfare of a child in the first degree under section  
161 568.045 with sexual intercourse or deviate sexual intercourse with a victim under  
162 eighteen years of age;

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

164 (q) Child molestation in the second degree under section 566.068;  
165 (r) Child molestation in the third degree under section 566.069 if the  
166 victim is under thirteen years of age;  
167 (s) Promoting prostitution in the first degree under section 567.050 if the  
168 victim is under eighteen years of age;  
169 (t) Promoting prostitution in the second degree under section 567.060 if  
170 the victim is under eighteen years of age;  
171 (u) Promoting prostitution in the third degree under section 567.070 if the  
172 victim is under eighteen years of age;  
173 (v) Promoting travel for prostitution under section 567.085 if the victim  
174 is under eighteen years of age;  
175 (w) Trafficking for the purpose of sexual exploitation under section  
176 566.209 if the victim is under eighteen years of age;  
177 (x) Sexual trafficking of a child in the first degree under section 566.210;  
178 (y) Sexual trafficking of a child in the second degree under section  
179 566.211;  
180 (z) Genital mutilation of a female child under section 568.065;  
181 (aa) Statutory rape in the second degree under section 566.034;  
182 (bb) Child molestation in the fourth degree under section 566.071 if the  
183 victim is under thirteen years of age;  
184 (cc) Sexual abuse in the second degree under section 566.101 if the  
185 penalty is a term of imprisonment of more than a year;  
186 (dd) Patronizing prostitution under section 567.030 if the offender is a  
187 persistent offender;  
188 (ee) Abuse of a child under section 568.060 if the offense is of a sexual  
189 nature and the victim is under thirteen years of age;  
190 (ff) Sexual [contact] **conduct** with a prisoner or offender under section  
191 566.145 if the victim is under thirteen years of age;  
192 (gg) Sexual intercourse with a prisoner or offender under section 566.145;  
193 (hh) Sexual contact with a student under section 566.086 if the victim is  
194 under thirteen years of age;  
195 (ii) Use of a child in a sexual performance under section 573.200; or  
196 (jj) Promoting a sexual performance by a child under section 573.205;  
197 (3) Any offender who is adjudicated for a crime comparable to a tier I or  
198 tier II offense listed in this section or failure to register offense under section  
199 589.425, or other comparable out-of-state failure to register offense, who has been

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

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

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

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

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

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