

SENATE BILL NO. 380

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1558S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 589, RSMo, by adding thereto nine new sections relating to a terrorist offender registry, with penalty provisions.

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

Section A. Chapter 589, RSMo, is amended by adding thereto
2 nine new sections, to be known as sections 589.427, 589.428,
3 589.429, 589.430, 589.431, 589.432, 589.433, 589.434, and
4 589.435, to read as follows:

**589.427. 1. Sections 589.427 to 589.435 shall apply
2 to:**

3 **(1) Any person who has been or is hereafter convicted**
4 **of, been found guilty of, or pled guilty or nolo contendere**
5 **to committing, attempting to commit, or conspiring to commit**
6 **a felony offense of:**

7 **(a) Supporting terrorism under section 576.080; or**

8 **(b) Engaging in any act of terrorism under Chapter**
9 **113B of Title 18 of the United States Code (18 U.S.C.**
10 **Sections 2331 to 2339D);**

11 **(2) Any person who has been found not guilty as a**
12 **result of mental disease or defect of any offense under**
13 **subdivision (1) of this subsection;**

14 **(3) Any juvenile certified as an adult and transferred**
15 **to a court of general jurisdiction who has been convicted**
16 **of, found guilty of, or has pleaded guilty or nolo**
17 **contendere to committing, attempting to commit, or**

18 conspiring to commit offenses described under subdivision
19 (1) of this subsection; and

20 (4) Any person who is a resident of this state; who
21 works full- or part-time in this state; who attends an
22 educational institution, whether public or private,
23 including any secondary school, trade school, professional
24 school, or institution of higher education full- or part-
25 time; or who has a temporary residence in Missouri and who
26 also:

27 (a) Has been found guilty of or pled guilty or nolo
28 contendere in any other state or foreign country or under
29 federal, tribal, or military jurisdiction to committing,
30 attempting to commit, or conspiring to commit an offense
31 that would be a felony violation of any offense under
32 subdivision (1) of this subsection; or

33 (b) Has been or is required to register for an offense
34 that would be a felony violation of any offense under
35 subdivision (1) of this subsection in another state or under
36 tribal, federal, or military law.

37 For purposes of this subdivision, "part-time" means for more
38 than seven days in any twelve-month period.

39 2. Any person to whom sections 589.427 to 589.435
40 apply shall, within three days of conviction, release from
41 incarceration, or placement upon probation, register with
42 the chief law enforcement official of the county or city not
43 within a county in which such person resides unless such
44 person has already registered in that county for the same
45 offense. Any person to whom sections 589.427 to 589.435
46 apply if not currently registered in his or her county of
47 residence shall register with the chief law enforcement
48 official of such county or city not within a county within

49 three days. The chief law enforcement official shall
50 forward a copy of the registration form required by section
51 589.430 to a city, town, village, or campus law enforcement
52 agency located within the county of the chief law
53 enforcement official, if so requested. Such request may ask
54 the chief law enforcement official to forward copies of all
55 registration forms filed with such official. The chief law
56 enforcement official may forward a copy of such registration
57 form to any city, town, village, or campus law enforcement
58 agency, if so requested.

59 3. The registration requirements of sections 589.427
60 to 589.435 are lifetime registration requirements unless:

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

63 (2) The registrant is pardoned of the offenses
64 requiring registration;

65 (3) The registrant is no longer required to register,
66 and his or her name is removed from the registry under
67 subsection 6 of this section; or

68 (4) The registrant may petition the court for removal
69 or exemption from the registry under subsection 7 or 8 of
70 this section, and the court orders the removal or exemption
71 of such person from the registry.

72 4. For processing an initial terrorist offender
73 registration, the chief law enforcement officer of the
74 county or city not within a county may charge the offender
75 registering a fee of up to ten dollars.

76 5. For processing any change in registration required
77 under section 589.432, the chief law enforcement official of
78 the county or city not within a county may charge the person
79 changing his or her registration a fee of five dollars for
80 each change made after the initial registration.

81 6. (1) The court may grant relief if a registrant
82 demonstrates to the court that he or she has complied with
83 the provisions of this section and is not a current or
84 potential threat to public safety. The prosecuting attorney
85 in the circuit court in which the petition is filed shall be
86 given notice, by the person seeking removal or exemption
87 from the registry, of the petition to present evidence in
88 opposition to the requested relief or may otherwise
89 demonstrate the reasons why the petition should be denied.
90 Failure of the person seeking removal or exemption from the
91 registry to notify the prosecuting attorney of the petition
92 shall result in an automatic denial of such person's
93 petition. If the prosecuting attorney is notified of the
94 petition, the prosecuting attorney shall make reasonable
95 efforts to notify the victim of the offense for which the
96 person was required to register of the petition and the
97 dates and times of any hearings or other proceedings in
98 connection with that petition.

99 (2) If the petition is denied, such person shall wait
100 at least twelve months before petitioning the court again.
101 If the court finds that the petitioner is entitled to relief
102 that removes or exempts the petitioner's name from the
103 registry, a certified copy of the written findings or order
104 shall be forwarded by the court to the chief law enforcement
105 official having jurisdiction over the offender and to the
106 Missouri state highway patrol in order to have such person's
107 name removed or exempted from the registry.

108 7. Any nonresident worker or nonresident student shall
109 register for the duration of such person's employment or
110 attendance at any school of higher education in this state
111 and is not entitled to relief under subdivision (2) of
112 subsection 6 of this section. Any registered offender from

113 another state who has a temporary residence in this state
114 and resides more than seven days in a twelve-month period
115 shall register for the duration of such person's temporary
116 residency and shall not be entitled to the provisions of
117 subsection 6 of this section.

118 8. Any person whose name is removed or exempted from
119 the terrorist offender registry under subdivision (2) of
120 subsection 6 of this section shall no longer be required to
121 fulfill the registration requirements of sections 589.427 to
122 589.435 unless such person is required to register for
123 another offense after being removed from the registry.

589.428. Any person to whom subsection 1 of section
2 589.427 applies who is paroled, discharged, or otherwise
3 released from any correctional facility of the department of
4 corrections or any mental health institution where such
5 person was confined shall be informed by the official in
6 charge of such correctional facility or mental health
7 institution of the person's possible duty to register under
8 sections 589.427 to 589.435. If such person is required to
9 register under sections 589.427 to 589.435, the official in
10 charge of the correctional facility or the mental health
11 institution shall complete the initial registration prior to
12 release and forward the offender's registration, within
13 three business days, to the chief law enforcement official
14 of the county or city not within a county where the person
15 expects to reside upon discharge, parole, or release. If
16 the person lists an address where he or she expects to
17 reside that is not in this state, the initial registration
18 shall be forwarded to the Missouri state highway patrol.

589.429. Any person to whom subsection 1 of section
2 589.427 applies who is released on probation, discharged
3 upon payment of a fine, or released after confinement in a

4 county jail shall, prior to such release or discharge, be
5 informed of the possible duty to register under sections
6 589.427 to 589.435 by the court having jurisdiction over the
7 case. If such person is required to register under sections
8 589.427 to 589.435, the court shall obtain the address where
9 the person expects to reside upon discharge, parole, or
10 release and shall report, within three business days, such
11 address to the chief law enforcement official of the county
12 or city not within a county where the person expects to
13 reside upon discharge, parole, or release.

589.430. 1. Any registration under sections 589.427
2 to 589.435 shall include an offender registration form
3 developed by the Missouri state highway patrol. Such form
4 shall include, but not be limited to:

5 (1) A written statement signed by the offender
6 including:

7 (a) The offender's name, address or addresses, Social
8 Security number, and phone number;

9 (b) The license plate number and vehicle description,
10 including the year, make, model, and color, of each vehicle
11 owned or operated by the offender;

12 (c) Any online identifiers, as defined under section
13 43.651, used by the offender;

14 (d) The offender's place of employment, if any;

15 (e) Any institution of higher education, if any, in
16 which the offender is enrolled;

17 (f) The offense that requires registration and the
18 date, place, and brief description of such offense; and

19 (g) The date and place of the conviction or plea of
20 such offense;

21 (2) The fingerprints, palm prints, and a photograph of
22 the person; and

23 (3) A DNA sample, if a sample has not already been
24 obtained.

25 2. The offender shall provide positive identification
26 and documentation to substantiate the accuracy of the
27 information completed on the offender registration form
28 including, but not limited to:

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

31 (2) A document verifying the offender's residency; and

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

 589.431. The chief law enforcement official shall
2 forward a completed offender registration form to the
3 Missouri state highway patrol within three days. The patrol
4 shall enter the information into the Missouri uniform law
5 enforcement system (MULES) where it is available to members
6 of the criminal justice system and to other entities as
7 provided by law, upon inquiry.

 589.432. 1. Any person required under sections
2 589.427 to 589.435 to register shall, no later than three
3 business days after each change, appear in person to the
4 chief law enforcement official of the county or city not
5 within a county and inform such officer of any change of
6 name, residence within the county or city not within a
7 county at which the offender is registered, employment, or
8 student status. The chief law enforcement official shall
9 forward the registrant's changes to the Missouri state
10 highway patrol within three business days.

11 2. (1) If any person required to register under
12 sections 589.427 to 589.435 changes such person's residence
13 or address to a different county or city not within a
14 county, the person shall inform both chief law enforcement

15 officials of the county or city not within a county that
16 include the former and new residences or addresses in person
17 and in writing within three business days of such change of
18 address and, if applicable, phone number.

19 (2) If any person required to register under sections
20 589.427 to 589.435 changes such person's state of residence,
21 the person shall inform both the chief law enforcement
22 official of the county or city not within a county that
23 includes the former residence and the chief law enforcement
24 official of the area in the new state that has jurisdiction
25 over the new residence in person and in writing within three
26 business days of such change of residence.

27 (3) Upon such notification, the chief law enforcement
28 official of the county or city not within a county of the
29 person's former residence shall inform the Missouri state
30 highway patrol of the change within three business days. If
31 the person changes the person's state of residence, the
32 Missouri state highway patrol shall inform the chief law
33 enforcement official in the area of the new state of
34 residence within three business days.

35 3. In addition to the requirements of subsections 1
36 and 2 of this section, any offender who has pled guilty to
37 or been found guilty under section 589.435 of failing to
38 register or submitting false information when registering
39 shall report in person to the chief law enforcement agency
40 every ninety days to verify the information contained in his
41 or her statement required under section 589.430.

42 4. In addition to the requirements of subsections 1
43 and 2 of this section, all registrants shall report
44 semiannually in person in the month of their birth and six
45 months thereafter to the chief law enforcement official to
46 verify the information contained in their statement required

47 under section 589.430. All registrants shall allow the
48 chief law enforcement officer to take a current photograph
49 of the offender in the month of his or her birth to submit
50 to the chief law enforcement agency.

51 5. In addition to the requirements of subsections 1
52 and 2 of this section, all Missouri registrants who work or
53 attend school or training on a full- or part-time basis in
54 any other state shall be required to report in person to the
55 chief law enforcement officer in the area of the state where
56 they work or attend school or training and register in that
57 state. For purposes of this subsection, "part-time" means
58 for more than seven days in any twelve-month period.

59 6. If a person who is required to register under
60 sections 589.427 to 589.435 changes or obtains a new online
61 identifier, as defined under section 43.651, the person
62 shall report such information in the same manner as a change
63 of residence before using such online identifier.

589.433. 1. Any probation officer or parole officer
2 assigned to a terrorist offender who is required to register
3 under sections 589.427 to 589.435 shall notify the
4 appropriate law enforcement officials when the officer has
5 reason to believe that the offender will be changing his or
6 her residence. Upon obtaining the new address where the
7 offender expects to reside, the officer shall report such
8 address to both chief law enforcement officials of the
9 county or city not within a county that include the former
10 and new addresses, if different. The officer shall also
11 inform the offender of the offender's duty to register.
12 However, nothing in this section shall affect the offender's
13 duty to register under sections 589.427 to 589.435.

14 2. As used in this section, the term "probation
15 officer" includes any agent of a private entity assigned to

16 provide probation supervision services to an offender due to
17 the offender's status as a terrorist offender who is
18 required to register under sections 589.427 to 589.435.

589.434. If any person who would be required to
2 register under sections 589.427 to 589.435 is temporarily
3 sent outside a correctional facility or a mental health
4 institution where the person is confined, on any assignment
5 of any nature, the chief law enforcement official of the
6 county or city not within a county having jurisdiction over
7 the place where the assignment occurs shall be notified by
8 the official in charge of the correctional facility or
9 mental health institution within a reasonable time prior to
10 the person's removal from the correctional facility or
11 mental health institution. This section shall not apply to
12 any person temporarily released under guard from the
13 correctional facility or mental health institution in which
14 such person is confined.

589.435. 1. A person commits the offense of failing
2 to register as a terrorist offender if the person is
3 required to register under sections 589.427 to 589.435 and
4 fails to comply with any requirement of sections 589.427 to
5 589.435. Failing to register as a terrorist offender is a
6 class E felony.

2. A person commits the offense of failing to register
8 as a terrorist offender as a second offense if the person
9 fails to comply with any requirement of sections 589.427 to
10 589.435 and the person previously pled guilty to or has
11 previously been found guilty of failing to register as a
12 terrorist offender. Failing to register as a terrorist
13 offender as a second offense is a class E felony.

3. (1) A person commits the offense of failing to
15 register as a terrorist offender as a third offense if the

16 person fails to meet the requirements of sections 589.427 to
17 589.435 and the person has, on two or more occasions,
18 previously pled guilty to or has previously been found
19 guilty of failing to register as a terrorist offender.
20 Failing to register as a terrorist offender as a third
21 offense is a class A felony.

22 (2) No court shall suspend the imposition or execution
23 of sentence of a person who pleads guilty to or is found
24 guilty of failing to register as a terrorist offender as a
25 third offense. No court shall sentence such person to pay a
26 fine in lieu of a term of imprisonment.

27 (3) A person sentenced under this subsection shall not
28 be eligible for conditional release or parole until he or
29 she has served at least two years of imprisonment.

30 (4) Upon release, an offender who has committed the
31 offense of failing to register as a terrorist offender as a
32 third offense shall be electronically monitored as a
33 mandatory condition of supervision. Electronic monitoring
34 may be based on a global positioning system or any other
35 technology that identifies and records the offender's
36 location at all times.

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