

# SENATE BILL NO. 893

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

3820S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 573.010, 573.110, 573.112, 589.400, 589.414, and 595.045, RSMo, and to enact in lieu thereof eight new sections relating to sexual offenses, with penalty provisions.

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

Section A. Sections 573.010, 573.110, 573.112, 589.400,  
2 589.414, and 595.045, RSMo, are repealed and eight new sections  
3 enacted in lieu thereof, to be known as sections 566.152,  
4 573.010, 573.110, 573.112, 573.114, 589.400, 589.414, and  
5 595.045, to read as follows:

566.152. 1. This section shall be known and may be  
2 cited as "Sophie's Law".

3 2. A person commits the offense of grooming of a minor  
4 if such person, who is eighteen years of age or older,  
5 knowingly engages in a pattern of conduct, that includes at  
6 least one overtly sexual act or communication, directed  
7 towards another person who is less than eighteen years of  
8 age that, by its nature or context, a reasonable person  
9 would infer the intent to prepare, condition, or manipulate  
10 such person for sexual conduct, sexual performance, or a  
11 commercial sex act.

12 3. For the purposes of prosecution of the offense of  
13 grooming of a minor, the following shall apply:

14 (1) Direct evidence of explicit statements of intent  
15 of the offender shall not be required. Intent of the

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

16 offender may be established by the nature, frequency, and  
17 context of communications or actions, except that intent of  
18 the offender is only required to be evaluated based upon  
19 what a reasonable person would infer the intent of the  
20 offender to be; and

21 (2) A pattern of conduct shall be determined by  
22 objective facts, not by the reputation or character of the  
23 defendant.

24 4. The offense of grooming of a minor shall not apply  
25 to a person who is:

26 (1) Over the age of eighteen, but not more than four  
27 years older than the minor at the time of the offense if  
28 there is no evidence of force, threat of force, coercion, or  
29 exploitation by the person;

30 (2) A licensed teacher, licensed health care provider,  
31 or youth mentor of the minor acting within his or her scope  
32 of practice or scope of employment if there is no evidence  
33 of sexual intent or exploitation by the person; or

34 (3) A parent, guardian, or family member of the minor  
35 who is providing standard care or support to the minor if  
36 there is no evidence of sexual intent or exploitation by the  
37 person.

38 5. The offense of grooming of a minor is a class B  
39 felony unless sexual conduct, sexual performance, or a  
40 commercial sex act occurs, in which case it is a class A  
41 felony. No person convicted under this section shall be  
42 eligible for probation, parole, or conditional release until  
43 serving a minimum of five years.

44 6. Notwithstanding sections 557.011, 558.019, and  
45 559.021 to the contrary, a person found guilty of violating  
46 this section shall be ordered by the sentencing court to pay  
47 restitution to the victim of the offense. The minimum

48 restitution for a victim of a person found guilty of  
49 violating this section ordered by the court shall be in the  
50 amount determined by the court necessary to compensate the  
51 victim for the mental and physical rehabilitation of the  
52 victim, any lost income or educational disruption, or  
53 relocation or housing assistance of the victim.

54 7. The department of public safety shall issue  
55 guidance for the public on identifying and recognizing  
56 actions constituting grooming of minors, response to  
57 potential instances of grooming of a minor, and treatment of  
58 and services for victims of grooming, and procedures and  
59 training for professionals on the investigating and  
60 prosecuting of perpetrators of the offense of grooming of a  
61 minor.

62 8. As used in this section, the following terms mean:

63 (1) "Pattern of conduct", two or more acts,  
64 occurrences, or practices, whether continuous or closely  
65 related in time, that collectively demonstrate a course of  
66 action directed at a minor for the purpose of preparing,  
67 conditioning, or manipulating the minor for sexual conduct,  
68 sexual performance, or a commercial sex act. Evidence of a  
69 pattern of conduct may include written correspondence, text  
70 messages, email, instant messaging, social media  
71 communications, images, recordings, or other digital or  
72 electronic methods of communication. A pattern of conduct  
73 includes communications or actions such as:

74 (a) Selecting or identifying a person who is less than  
75 eighteen years of age based on perceived vulnerability;

76 (b) Establishing rapport with a person who is less  
77 than eighteen years of age, or the person's parent or  
78 guardian, to reduce suspicion;

79 (c) Providing attention, gifts, favors, or other  
80 benefits that create reliance or obligation from a person  
81 who is less than eighteen years of age;

82 (d) Reducing or eliminating protective influences of a  
83 person who is less than eighteen years of age, increasing  
84 secrecy with a person who is less than eighteen years of  
85 age, or restricting access to support systems of a person  
86 who is less than eighteen years of age; or

87 (e) Introducing explicit sexual material, as such term  
88 is defined in section 573.010, content that is pornographic  
89 for minors, as such term is defined in section 573.010,  
90 sexual conduct, or other physical contact with increasing  
91 frequency, to a person who is less than eighteen years of  
92 age, and using secrecy, threats, or manipulation to sustain  
93 compliance of the person who is less than eighteen years of  
94 age;

95 (2) "Sexual performance", any play, motion picture  
96 film, videotape, dance, or exhibition performed before an  
97 audience of one or more which includes sexual conduct by a  
98 person who is less than eighteen years of age;

99 (3) "Supplied", the intentional furnishing, providing,  
100 or making available, directly or indirectly, any material  
101 good, financial benefit, intoxicating substance, electronic  
102 communication, or other item of value to a minor, for the  
103 purpose of establishing trust, dependency, or compliance.

573.010. As used in this chapter the following terms  
2 shall mean:

3 (1) "Adult cabaret", a nightclub, bar, juice bar,  
4 restaurant, bottle club, or other commercial establishment,  
5 regardless of whether alcoholic beverages are served, which  
6 regularly features persons who appear semi-nude;

7           (2) "Characterized by", describing the essential  
8 character or dominant theme of an item;

9           (3) "Child", any person under the age of fourteen;

10          (4) "Child pornography":

11          (a) Any obscene material or performance depicting  
12 sexual conduct, sexual contact as defined in section  
13 566.010, or a sexual performance and which has as one of its  
14 participants or portrays as an observer of such conduct,  
15 contact, or performance a minor; or

16          (b) Any visual depiction, including any photograph,  
17 film, video, picture, or computer or computer-generated  
18 image or picture, whether made or produced by electronic,  
19 mechanical, or other means, of sexually explicit conduct  
20 where:

21           a. The production of such visual depiction involves  
22 the use of a minor engaging in sexually explicit conduct;

23           b. Such visual depiction is a digital image, computer  
24 image, or computer-generated image that is, or is  
25 indistinguishable from, that of a minor engaging in sexually  
26 explicit conduct, in that the depiction is such that an  
27 ordinary person viewing the depiction would conclude that  
28 the depiction is of an actual minor engaged in sexually  
29 explicit conduct, **regardless of whether the minor was**  
30 **actually engaged in sexually explicit conduct at the time**  
31 **the visual depiction was created;** or

32           c. Such visual depiction has been created, adapted, or  
33 modified to show that an identifiable minor is engaging in  
34 sexually explicit conduct. "Identifiable minor" means a  
35 person who was a minor at the time the visual depiction was  
36 created, adapted, or modified; or whose image as a minor was  
37 used in creating, adapting, or modifying the visual  
38 depiction; and who is recognizable as an actual person by

39 the person's face, likeness, or other distinguishing  
40 characteristic, such as a unique birthmark or other  
41 recognizable feature. The term identifiable minor shall not  
42 be construed to require proof of the actual identity of the  
43 identifiable minor;

44 (5) "Employ", "employee", or "employment", any person  
45 who performs any service on the premises of a sexually  
46 oriented business, on a full-time, part-time, or contract  
47 basis, whether or not the person is denominated an employee,  
48 independent contractor, agent, or otherwise. Employee does  
49 not include a person exclusively on the premises for repair  
50 or maintenance of the premises or for the delivery of goods  
51 to the premises;

52 (6) "Explicit sexual material", any pictorial or three-  
53 dimensional material depicting human masturbation, deviate  
54 sexual intercourse, sexual intercourse, direct physical  
55 stimulation or unclothed genitals, sadomasochistic abuse, or  
56 emphasizing the depiction of postpubertal human genitals;  
57 provided, however, that works of art or of anthropological  
58 significance shall not be deemed to be within the foregoing  
59 definition;

60 (7) "Furnish", to issue, sell, give, provide, lend,  
61 mail, deliver, transfer, circulate, disseminate, present,  
62 exhibit or otherwise provide;

63 (8) "Material", anything printed or written, or any  
64 picture, drawing, photograph, motion picture film, videotape  
65 or videotape production, or pictorial representation, or any  
66 recording or transcription, or any mechanical, chemical, or  
67 electrical reproduction, or stored computer data, or  
68 anything which is or may be used as a means of  
69 communication. Material includes undeveloped photographs,

70 molds, printing plates, stored computer data and other  
71 latent representational objects;

72 (9) "Minor", any person less than eighteen years of  
73 age;

74 (10) "Nudity" or "state of nudity", the showing of the  
75 human genitals, pubic area, vulva, anus, anal cleft, or the  
76 female breast with less than a fully opaque covering of any  
77 part of the nipple or areola;

78 (11) "Obscene", any material or performance if, taken  
79 as a whole:

80 (a) Applying contemporary community standards, its  
81 predominant appeal is to prurient interest in sex; and

82 (b) The average person, applying contemporary  
83 community standards, would find the material depicts or  
84 describes sexual conduct in a patently offensive way; and

85 (c) A reasonable person would find the material lacks  
86 serious literary, artistic, political or scientific value;

87 (12) "Operator", any person on the premises of a  
88 sexually oriented business who causes the business to  
89 function, puts or keeps the business in operation, or is  
90 authorized to manage the business or exercise overall  
91 operational control of the business premises. A person may  
92 be found to be operating or causing to be operated a  
93 sexually oriented business whether or not such person is an  
94 owner, part owner, or licensee of the business;

95 (13) "Performance", any play, motion picture film,  
96 videotape, dance or exhibition performed before an audience  
97 of one or more;

98 (14) "Pornographic for minors", any material or  
99 performance if the following apply:

100 (a) The average person, applying contemporary  
101 community standards, would find that the material or

performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(15) "Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;

(16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

(17) "Regularly", the consistent and repeated doing of the act so described;

(18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of



the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

(20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(21) "Sexually explicit conduct", actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

(22) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified

165 anatomical areas. A principal business activity exists  
166 where the commercial establishment:

167       a. Has a substantial portion of its displayed  
168 merchandise which consists of such items; or

169       b. Has a substantial portion of the wholesale value of  
170 its displayed merchandise which consists of such items; or

171       c. Has a substantial portion of the retail value of  
172 its displayed merchandise which consists of such items; or

173       d. Derives a substantial portion of its revenues from  
174 the sale or rental, for any form of consideration, of such  
175 items; or

176       e. Maintains a substantial section of its interior  
177 business space for the sale or rental of such items; or

178       f. Maintains an adult arcade. "Adult arcade" means  
179 any place to which the public is permitted or invited  
180 wherein coin-operated or slug-operated or electronically,  
181 electrically, or mechanically controlled still or motion  
182 picture machines, projectors, or other image-producing  
183 devices are regularly maintained to show images to five or  
184 fewer persons per machine at any one time, and where the  
185 images so displayed are characterized by their emphasis upon  
186 matter exhibiting specified sexual activities or specified  
187 anatomical areas;

188       (b) An adult cabaret;

189       (c) An adult motion picture theater. "Adult motion  
190 picture theater" means a commercial establishment where  
191 films, motion pictures, video cassettes, slides, or similar  
192 photographic reproductions, which are characterized by their  
193 emphasis upon the display of specified sexual activities or  
194 specified anatomical areas are regularly shown to more than  
195 five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than eighteen years of age;

(24) "Specified anatomical areas" include:

227 (a) Less than completely and opaquely covered: human  
228 genitals, pubic region, buttock, and female breast below a  
229 point immediately above the top of the areola; and

230 (b) Human male genitals in a discernibly turgid state,  
231 even if completely and opaquely covered;

232 (25) "Specified sexual activity", includes any of the  
233 following:

234 (a) Intercourse, oral copulation, masturbation, or  
235 sodomy; or

236 (b) Excretory functions as a part of or in connection  
237 with any of the activities described in paragraph (a) of  
238 this subdivision;

239 (26) "Substantial", at least thirty percent of the  
240 item or items so modified;

241 (27) "Visual depiction", includes undeveloped film and  
242 videotape, and data stored on computer disk or by electronic  
243 means which is capable of conversion into a visual image.

573.110. 1. **This section and sections 573.112 and**  
2 **573.114 shall be known and may be cited as "Evan's Voice**  
3 **Act".**

4 **2. As used in this section and [section] sections**  
5 **573.112 and 573.114, the following terms mean:**

6 (1) "Computer", a device that accepts, processes,  
7 stores, retrieves, or outputs data and includes, but is not  
8 limited to, auxiliary storage and telecommunications devices  
9 connected to computers;

10 (2) "Computer program", a series of coded instructions  
11 or statements in a form acceptable to a computer that causes  
12 the computer to process data and supply the results of the  
13 data processing;

14 (3) "Data", a representation in any form of  
15 information, knowledge, facts, concepts, or instructions

16 including, but not limited to, program documentation, that  
17 is prepared or has been prepared in a formalized manner and  
18 is stored or processed in or transmitted by a computer or in  
19 a system or network. Data is considered property and may be  
20 in any form including, but not limited to, printouts,  
21 magnetic or optical storage media, punch cards, data stored  
22 internally in the memory of the computer, or data stored  
23 externally that is accessible by the computer;

24 (4) "Image", a photograph, film, videotape, digital  
25 recording, or other depiction or portrayal of an object,  
26 including a human body;

27 (5) "Intimate parts", the fully unclothed, partially  
28 unclothed, or transparently clothed genitals, pubic area, or  
29 anus or, if the person is female, a partially or fully  
30 exposed nipple, including exposure through transparent  
31 clothing;

32 (6) "Private mobile radio services", private land  
33 mobile radio services and other communications services  
34 characterized by the public service commission as private  
35 mobile radio services;

36 (7) "Public mobile services", air-to-ground radio  
37 telephone services, cellular radio telecommunications  
38 services, offshore radio, rural radio services, public land  
39 mobile telephone services, and other common carrier radio  
40 communications services;

41 (8) "Sexual act", sexual penetration, masturbation, or  
42 sexual activity;

43 (9) "Sexual activity", any:

44 (a) Knowing touching or fondling by the victim or  
45 another person or animal, either directly or through  
46 clothing, of the sex organs, anus, or breast of the victim

47 or another person or animal for the purpose of sexual  
48 gratification or arousal;

49 (b) Transfer or transmission of semen upon any part of  
50 the clothed or unclothed body of the victim for the purpose  
51 of sexual gratification or arousal of the victim or another;

52 (c) Act of urination within a sexual context;

53 (d) Bondage, fetter, sadism, or masochism; or

54 (e) Sadomasochism abuse in any sexual context.

55 **[2.] 3.** A person commits the offense of nonconsensual  
56 dissemination of private sexual images if he or she:

57 (1) Intentionally disseminates an image with the  
58 intent to harass, threaten, or coerce another person:

59 (a) **[Who is at least eighteen years of age;**

60 **(b)]** Who is identifiable from the image itself or  
61 information displayed in connection with the image; and

62 **[(c)] (b)** Who is engaged in a sexual act or whose  
63 intimate parts are exposed, in whole or in part;

64 (2) Obtains the image under circumstances in which a  
65 reasonable person would know or understand that the image  
66 was to remain private; and

67 (3) Knows or should have known that the person in the  
68 image did not consent to the dissemination.

69 **[3.] 4.** The following activities are exempt from the  
70 provisions of this section:

71 (1) The intentional dissemination of an image of  
72 another identifiable person who is engaged in a sexual act  
73 or whose intimate parts are exposed if the dissemination is  
74 made for the purpose of a criminal investigation that is  
75 otherwise lawful;

76 (2) The intentional dissemination of an image of  
77 another identifiable person who is engaged in a sexual act  
78 or whose intimate parts are exposed if the dissemination is

79 for the purpose of, or in connection with, the reporting of  
80 unlawful conduct;

81 (3) The intentional dissemination of an image of  
82 another identifiable person who is engaged in a sexual act  
83 or whose intimate parts are exposed if the image involves  
84 voluntary exposure in a public or commercial setting; or

85 (4) The intentional dissemination of an image of  
86 another identifiable person who is engaged in a sexual act  
87 or whose intimate parts are exposed if the dissemination  
88 serves a lawful public purpose.

89 [4.] 5. Nothing in this section shall be construed to  
90 impose liability upon the following entities solely as a  
91 result of content or information provided by another person:

92 (1) An interactive computer service, as defined in 47  
93 U.S.C. Section 230(f)(2);

94 (2) A provider of public mobile services or private  
95 mobile radio services; or

96 (3) A telecommunications network or broadband provider.

97 [5.] 6. A person convicted under this section is  
98 subject to the forfeiture provisions under sections 513.600  
99 to 513.660.

100 [6.] 7. The offense of nonconsensual dissemination of  
101 private sexual images is a class D felony, **unless the image**  
102 **was of a minor or of a vulnerable person, in which case it**  
103 **is a class C felony.**

104 [7.] 8. In addition to the criminal penalties listed  
105 in subsection 6 of this section, the person in violation of  
106 the provisions of this section shall also be subject to a  
107 private cause of action from the depicted person. Any  
108 successful private cause of action brought under this  
109 subsection shall result in an award equal to ten thousand  
110 dollars or actual damages, whichever is greater, and in

111 addition shall include attorney's fees. Humiliation or  
112 embarrassment shall be an adequate showing that the  
113 plaintiff has incurred damages; however, no physical  
114 manifestation of either humiliation or embarrassment is  
115 necessary for damages to be shown.

573.112. 1. A person commits the offense of  
2 threatening the nonconsensual dissemination of private  
3 sexual images if he or she gains or attempts to gain  
4 anything of value, or coerces or attempts to coerce another  
5 person to act or refrain from acting, by threatening to  
6 disseminate an image of another person, which was obtained  
7 under circumstances in which a reasonable person would know  
8 or understand that the image was to remain private, against  
9 the will of such person:

10 (1) [Who is at least eighteen years of age;

11 (2)] Who is identifiable from the image itself or  
12 information displayed in connection with the image; and

13 [(3)] (2) Who is engaged in a sexual act or whose  
14 intimate parts are exposed, in whole or in part.

15 2. (1) **Except as provided in subdivision (2) or (3)**  
16 **of this subsection,** the offense of threatening the  
17 nonconsensual dissemination of private sexual images is a  
18 class [E] D felony, **unless it is a second offense, in which**  
19 **case it is a class C felony. Any third or subsequent**  
20 **offense of threatening the nonconsensual dissemination of**  
21 **private sexual images is a class B felony.**

22 (2) **If the image was of a minor or of a vulnerable**  
23 **person, the offense of threatening the nonconsensual**  
24 **dissemination of private sexual images is a class A felony.**

25 (3) **If the threat of the nonconsensual dissemination**  
26 **of private sexual images is the proximate cause of serious**  
27 **physical injury or death of a person, the offense of**



28 threatening the nonconsensual dissemination of private  
29 sexual images is a class A felony.

573.114. Notwithstanding sections 557.011, 558.019,  
2 and 559.021 to the contrary, a person found guilty of  
3 violating section 573.110 or 573.112 shall be ordered by the  
4 sentencing court to pay restitution to the victim of the  
5 offense. The minimum restitution for a victim of a person  
6 found guilty of violating section 573.110 or 573.112 ordered  
7 by the court shall be in the amount determined by the court  
8 necessary to compensate the victim for the mental and  
9 physical rehabilitation of the victim, any lost income or  
10 educational disruption, relocation or housing assistance of  
11 the victim, or costs for removal of the image from any  
12 computer, computer program, interactive computer service, as  
13 such term is defined in 47 U.S.C. Section 230(f)(2),  
14 provider of public mobile services or private mobile radio  
15 services, or telecommunications network or broadband  
16 provider.

589.400. 1. Sections 589.400 to 589.425 shall apply  
2 to:

3 (1) Any person who, since July 1, 1979, has been or is  
4 hereafter adjudicated for an offense referenced in section  
5 589.414, unless such person is exempt from registering under  
6 subsection 9 or 10 of this section or section 589.401;

7 (2) Any person who, since July 1, 1979, has been or is  
8 hereafter convicted of, been found guilty of, or pled guilty  
9 or nolo contendere to committing, attempting to commit, or  
10 conspiring to commit one or more of the following offenses:  
11 kidnapping or kidnapping in the first degree when the victim  
12 was a child and the defendant was not a parent or guardian  
13 of the child; abuse of a child under section 568.060 when  
14 such abuse is sexual in nature; felonious restraint or

15 kidnapping in the second degree when the victim was a child  
16 and the defendant is not a parent or guardian of the child;  
17 sexual contact or sexual intercourse with a resident of a  
18 nursing home or sexual conduct with a nursing facility  
19 resident or vulnerable person in the first or second degree;  
20 endangering the welfare of a child under section 568.045  
21 when the endangerment is sexual in nature; genital  
22 mutilation of a female child, under section 568.065;  
23 promoting prostitution in the first degree; promoting  
24 prostitution in the second degree; promoting prostitution in  
25 the third degree; sexual exploitation of a minor; promoting  
26 child pornography in the first degree; promoting child  
27 pornography in the second degree; possession of child  
28 pornography; furnishing pornographic material to minors;  
29 public display of explicit sexual material; coercing  
30 acceptance of obscene material; promoting obscenity in the  
31 first degree; promoting pornography for minors or obscenity  
32 in the second degree; incest; use of a child in a sexual  
33 performance; [or] promoting sexual performance by a child;  
34 patronizing prostitution if the individual the person  
35 patronizes is less than eighteen years of age; **grooming of a**  
36 **minor; nonconsensual dissemination of private sexual images;**  
37 **or threatening the nonconsensual dissemination of private**  
38 **sexual images;**

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

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

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

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

53           (7) Any person who is a resident of this state who  
54 has, since July 1, 1979, been or is hereafter adjudicated in  
55 any other state, territory, the District of Columbia, or  
56 foreign country, or under federal, tribal, or military  
57 jurisdiction for an offense which, if committed in this  
58 state, would constitute an offense listed under section  
59 589.414, or has been or is required to register in another  
60 state, territory, the District of Columbia, or foreign  
61 country, or has been or is required to register under  
62 tribal, federal, or military law; or

63           (8) Any person who has been or is required to register  
64 in another state, territory, the District of Columbia, or  
65 foreign country, or has been or is required to register  
66 under tribal, federal, or military law and who works or  
67 attends an educational institution, whether public or  
68 private in nature, including any secondary school, trade  
69 school, professional school, or institution of higher  
70 education on a full-time or on a part-time basis or has a  
71 temporary residence in Missouri. "Part-time" in this  
72 subdivision means for more than seven days in any twelve-  
73 month period.

74           2. Any person to whom sections 589.400 to 589.425  
75 apply shall, within three business days of adjudication,  
76 release from incarceration, or placement upon probation,

77 register with the chief law enforcement official of the  
78 county or city not within a county in which such person  
79 resides unless such person has already registered in that  
80 county for the same offense. For any juvenile under  
81 subdivision (6) of subsection 1 of this section, within  
82 three business days of adjudication or release from  
83 commitment to the division of youth services, the department  
84 of mental health, or other placement, such juvenile shall  
85 register with the chief law enforcement official of the  
86 county or city not within a county in which he or she  
87 resides unless he or she has already registered in such  
88 county or city not within a county for the same offense.  
89 Any person to whom sections 589.400 to 589.425 apply if not  
90 currently registered in their county of residence shall  
91 register with the chief law enforcement official of such  
92 county or city not within a county within three business  
93 days. The chief law enforcement official shall forward a  
94 copy of the registration form required by section 589.407 to  
95 a city, town, village, or campus law enforcement agency  
96 located within the county of the chief law enforcement  
97 official.

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

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

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

106 (3) The court orders the removal or exemption of such  
107 person from the registry under section 589.401.

108 4. The registration requirements shall be as follows:

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

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

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

115           5. (1) The registration period shall be reduced as  
116 described in subdivision (3) of this subsection for a sex  
117 offender who maintains a clean record for the periods  
118 described under subdivision (2) of this subsection by:

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

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

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

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

126           (2) In the case of a:

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

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

134           (3) In the case of a:

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

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

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

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

149           8. Any person currently on the sexual offender  
150 registry or who otherwise would be required to register for  
151 being adjudicated for the offense of felonious restraint of  
152 a nonsexual nature when the victim was a child and he or she  
153 was the parent or guardian of the child, nonsexual child  
154 abuse that was committed under section 568.060, or  
155 kidnapping of a nonsexual nature when the victim was a child  
156 and he or she was the parent or guardian of the child shall  
157 be removed from the registry. However, such person shall  
158 remain on the sexual offender registry for any other offense  
159 for which he or she is required to register under sections  
160 589.400 to 589.425.

161           9. The following persons shall be exempt from  
162 registering as a sexual offender upon petition to the court  
163 of jurisdiction under section 589.401; except that, such  
164 person shall remain on the sexual offender registry for any  
165 other offense for which he or she is required to register  
166 under sections 589.400 to 589.425:

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

170           (a) Sexual conduct where no force or threat of force  
171 was directed toward the victim or any other individual

involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

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

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

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

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

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

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

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

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

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

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

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

10. Any person currently on the sexual offender registry for having been adjudicated for a tier I or II

offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401.

11. Any nonresident worker, including work as a volunteer or intern, or nonresident student shall register for the duration of such person's employment, including participation as a volunteer or intern, or attendance at any school of higher education 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 in this state unless granted relief under section 589.401. Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, including the period of time the offender is staying in such place. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency unless granted relief under section 589.401.

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.



13           2. Any person required to register under sections  
14 589.400 to 589.425 shall, within three business days, notify  
15 the chief law enforcement official of the county or city not  
16 within a county of any changes to the following information:

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

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

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

45 person was last registered and the chief law enforcement  
46 official of the area in the new state, territory, the  
47 District of Columbia, or foreign country, or federal,  
48 tribal, or military jurisdiction having jurisdiction over  
49 the new residence or address within three business days of  
50 such new address. Whenever a registrant changes residence,  
51 the chief law enforcement official of the county or city not  
52 within a county where the person was previously registered  
53 shall inform the Missouri state highway patrol of the change  
54 within three business days. When the registrant is changing  
55 the residence to a new state, territory, the District of  
56 Columbia, or foreign country, or federal, tribal, or  
57 military jurisdiction, the Missouri state highway patrol  
58 shall inform the responsible official in the new state,  
59 territory, the District of Columbia, or foreign country, or  
60 federal, tribal, or military jurisdiction of residence  
61 within three business days.

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

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

70 (a) Sexual abuse in the first degree under section  
71 566.100 if the victim is eighteen years of age or older;

72 (b) Sexual misconduct involving a child under section  
73 566.083 if it is a first offense and the punishment is less  
74 than one year;

75 (c) Sexual abuse in the second degree under section  
76 566.101 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; **or**

**(p) Grooming of a minor under section 566.152;**

(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;

**(n) Nonconsensual dissemination of private sexual images under section 573.110 if the victim is less than eighteen years of age or if coercion of the victim was sexual in nature; or**

**(o) Threatening the nonconsensual dissemination of private sexual images under section 573.112 if the victim is less than eighteen years of age or if coercion of the victim was sexual in nature;**

(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] **566.125**, 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.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state

25 forensic laboratory account administered by the department  
26 of public safety to provide financial assistance to defray  
27 expenses of crime laboratories if such analytical  
28 laboratories are registered with the federal Drug  
29 Enforcement Agency or the Missouri department of health and  
30 senior services. Subject to appropriations made therefor,  
31 such funds shall be distributed by the department of public  
32 safety to the crime laboratories serving the courts of this  
33 state making analysis of a controlled substance or analysis  
34 of blood, breath or urine in relation to a court proceeding.

35 4. The remaining funds collected under subsection 1 of  
36 this section shall be denoted to the payment of an annual  
37 appropriation for the administrative and operational costs  
38 of the office for victims of crime and, if a statewide  
39 automated crime victim notification system is established  
40 pursuant to section 650.310, to the monthly payment of  
41 expenditures actually incurred in the operation of such  
42 system. Additional remaining funds shall be subject to the  
43 following provisions:

44 (1) On the first of every month, the director of  
45 revenue or the director's designee shall determine the  
46 balance of the funds in the crime victims' compensation fund  
47 available to satisfy the amount of compensation payable  
48 pursuant to sections 595.010 to 595.075, excluding sections  
49 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first  
51 of each month, the director of revenue or the director's  
52 designee shall deposit fifty percent of the balance of funds  
53 available to the credit of the crime victims' compensation  
54 fund and fifty percent to the services to victims' fund  
55 established in section 595.100.

56           5. The director of revenue or such director's designee  
57 shall at least monthly report the moneys paid pursuant to  
58 this section into the crime victims' compensation fund and  
59 the services to victims fund to the department of public  
60 safety.

61           6. The moneys collected by clerks of municipal courts  
62 pursuant to subsection 1 of this section shall be collected  
63 and disbursed as provided by sections 488.010 to 488.020.  
64 Five percent of such moneys shall be payable to the city  
65 treasury of the city from which such funds were collected.  
66 The remaining ninety-five percent of such moneys shall be  
67 payable to the director of revenue. The funds received by  
68 the director of revenue pursuant to this subsection shall be  
69 distributed as follows:

70           (1) On the first of every month, the director of  
71 revenue or the director's designee shall determine the  
72 balance of the funds in the crime victims' compensation fund  
73 available to satisfy the amount of compensation payable  
74 pursuant to sections 595.010 to 595.075, excluding sections  
75 595.050 and 595.055;

76           (2) Beginning on September 1, 2004, and on the first  
77 of each month the director of revenue or the director's  
78 designee shall deposit fifty percent of the balance of funds  
79 available to the credit of the crime victims' compensation  
80 fund and fifty percent to the services to victims' fund  
81 established in section 595.100.

82           7. These funds shall be subject to a biennial audit by  
83 the Missouri state auditor. Such audit shall include all  
84 records associated with crime victims' compensation funds  
85 collected, held or disbursed by any state agency.

86           8. In addition to the moneys collected pursuant to  
87 subsection 1 of this section, the court shall enter a

judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C, D, or E felony; **at least five hundred dollars and not more than five thousand dollars upon a plea of guilty or a finding of guilt for the offense of nonconsensual dissemination of private sexual images under section 573.110 or the offense of threatening the nonconsensual dissemination of private sexual images under section 573.112;** and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the

120 state auditor. The clerk of each court transmitting such  
121 funds shall report separately the amount of dollars  
122 collected on judgments entered for alcohol-related traffic  
123 offenses from other crime victims' compensation collections  
124 or services to victims collections.

125 10. The department of revenue shall maintain records  
126 of funds transmitted to the crime victims' compensation fund  
127 by each reporting court and collections pursuant to  
128 subsection 16 of this section and shall maintain separate  
129 records of collection for alcohol-related offenses.

130 11. The state courts administrator shall include in  
131 the annual report required by section 476.350 the circuit  
132 court caseloads and the number of crime victims'  
133 compensation judgments entered.

134 12. All awards made to injured victims under sections  
135 595.010 to 595.105 and all appropriations for administration  
136 of sections 595.010 to 595.105, except sections 595.050 and  
137 595.055, shall be made from the crime victims' compensation  
138 fund. Any unexpended balance remaining in the crime  
139 victims' compensation fund at the end of each biennium shall  
140 not be subject to the provision of section 33.080 requiring  
141 the transfer of such unexpended balance to the ordinary  
142 revenue fund of the state, but shall remain in the crime  
143 victims' compensation fund. In the event that there are  
144 insufficient funds in the crime victims' compensation fund  
145 to pay all claims in full, all claims shall be paid on a pro  
146 rata basis. If there are no funds in the crime victims'  
147 compensation fund, then no claim shall be paid until funds  
148 have again accumulated in the crime victims' compensation  
149 fund. When sufficient funds become available from the fund,  
150 awards which have not been paid shall be paid in  
151 chronological order with the oldest paid first. In the

event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

183           15. Any person who knowingly makes a fraudulent claim  
184 or false statement in connection with any claim hereunder is  
185 guilty of a class A misdemeanor.

186           16. The department may receive gifts and contributions  
187 for the benefit of crime victims. Such gifts and  
188 contributions shall be credited to the crime victims'  
189 compensation fund as used solely for compensating victims  
190 under the provisions of sections 595.010 to 595.075.

✓