

SECOND REGULAR SESSION

# SENATE BILL NO. 982

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

5756S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 43.651, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, and 589.417, RSMo, and to enact in lieu thereof nineteen new sections relating to the sex offender registry.

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

Section A. Sections 43.500, 43.503, 43.506, 43.509,  
2 43.527, 43.530, 43.533, 43.650, 43.651, 589.400, 589.401,  
3 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414,  
4 589.415, and 589.417, RSMo, are repealed and nineteen new  
5 sections enacted in lieu thereof, to be known as sections  
6 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 589.400,  
7 589.401, 589.403, 589.404, 589.405, 589.407, 589.410, 589.411,  
8 589.412, 589.413, 589.414, 589.415, and 589.417, to read as  
9 follows:

43.500. As used in sections 43.500 to [43.651] **43.600**,  
2 the following terms mean:

3 (1) "Administration of criminal justice", performance  
4 of any of the following activities: detection,  
5 apprehension, detention, pretrial release, post-trial  
6 release, prosecution, adjudication, correctional  
7 supervision, or rehabilitation of accused persons or  
8 criminal offenders. The administration of criminal justice  
9 shall include the screening of employees or applicants

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

10 seeking employment with criminal justice agencies, criminal  
11 identification activities, and the collection, storage, and  
12 dissemination of criminal history information, including  
13 fingerprint searches, photographs, and other unique  
14 biometric identification;

15 (2) "Central repository", the division within the  
16 Missouri state highway patrol responsible for compiling and  
17 disseminating complete and accurate criminal history records  
18 and statistics;

19 (3) "Committee", criminal records and justice  
20 information advisory committee;

21 (4) "Comparable ordinance violation", a violation of  
22 an ordinance having all the essential elements of a  
23 statutory felony or a class A misdemeanor;

24 (5) "Criminal history record information", information  
25 collected by criminal justice agencies on individuals  
26 consisting of identifiable descriptions and notations of  
27 arrests, detentions, indictments, informations, or other  
28 formal criminal charges, and any disposition arising  
29 therefrom, sentencing, correctional supervision, and release;

30 (6) "Final disposition", the formal conclusion of a  
31 criminal proceeding at whatever stage it occurs in the  
32 criminal justice system;

33 (7) "Missouri charge code", a unique number assigned  
34 by the office of state courts administrator to an offense  
35 for tracking and grouping offenses. Beginning January 1,  
36 2005, the complete charge code shall consist of digits  
37 assigned by the office of state courts administrator, the  
38 two-digit national crime information center modifiers and a  
39 single digit designating attempt, accessory, or conspiracy.  
40 The only exception to the January 1, 2005, date shall be the  
41 courts that are not using the statewide court automation

case management pursuant to section 476.055; the effective date will be as soon thereafter as economically feasible for all other courts;

(8) "State offense cycle number", a unique number, supplied by or approved by the Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number, OCN, is used to link the identity of a person, through unique biometric identification, to one or many offenses for which the person is arrested or charged. The OCN will be used to track an offense incident from the date of arrest to the final disposition when the offender exits from the criminal justice system;

(9) "Unique biometric identification", automated methods of recognizing and identifying an individual based on a physiological characteristic. Biometric identification methods may include but are not limited to facial recognition, fingerprints, palm prints, hand geometry, iris recognition, and retinal scan.

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to [43.651]

**43.600.**

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository,

fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions to the central repository upon its behalf.

3. In order for the Missouri office of prosecution services to maintain complete and accurate statewide reports as required by section 56.750, on or before January 1, 2028, and thereafter, all police officers of this state, the sheriff and each deputy sheriff of each county, and the chief law enforcement official of a city not within a county and his or her officers shall submit referrals for any traffic violation, ordinance violation, or misdemeanor or felony offense referred to a prosecuting or circuit attorney in the form and manner approved by the Missouri office of prosecution services as required by subdivision (7) of subsection 1 of section 56.750. At a minimum, any referral to a prosecuting attorney or circuit attorney for a felony offense shall include a probable cause statement and an investigative report. Any law enforcement agency that

violates this subsection shall be ineligible to receive state or federal funds that would otherwise be paid to such agency for law enforcement, safety, or criminal justice purposes.

4. In instances where an individual less than seventeen years of age and not currently certified as an adult is taken into custody for an offense which would be a felony if committed by an adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. The fingerprint cards shall be so constructed that the name of the juvenile should not be made available to the central repository. The individual's name and the unique number associated with the fingerprints and other pertinent information shall be provided to the court of jurisdiction by the agency taking the juvenile into custody. The juvenile's fingerprints and other information shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. In the event the fingerprints are found to match other fingerprints or unsolved latent prints, the central repository shall notify the submitting agency who shall notify the court of jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged to have violated a state or

79 municipal traffic ordinance or regulation, which does not  
80 constitute a felony, and the juvenile court does not have  
81 jurisdiction, the juvenile shall not be fingerprinted unless  
82 certified as an adult.

83         5. Upon certification of the individual as an adult,  
84 the certifying court shall order a law enforcement agency to  
85 immediately fingerprint and photograph the individual and  
86 certification papers will be forwarded to the appropriate  
87 law enforcement agency with the order for fingerprinting.  
88 The law enforcement agency shall submit such fingerprints,  
89 photograph, and certification papers to the central  
90 repository within fifteen days and shall furnish the offense  
91 cycle number associated with the fingerprints to the  
92 prosecuting attorney or the circuit attorney of a city not  
93 within a county and to the clerk of the court ordering the  
94 subject fingerprinted. If the juvenile is acquitted of the  
95 crime and is no longer certified as an adult, the  
96 prosecuting attorney shall notify within fifteen days the  
97 central repository of the change of status of the juvenile.  
98 Records of a child who has been fingerprinted and  
99 photographed after being taken into custody shall be closed  
100 records as provided under section 610.100 if a petition has  
101 not been filed within thirty days of the date that the child  
102 was taken into custody; and if a petition for the child has  
103 not been filed within one year of the date the child was  
104 taken into custody, any records relating to the child  
105 concerning the alleged offense may be expunged under the  
106 procedures in sections 610.122 to 610.126.

107         6. The prosecuting attorney of each county or the  
108 circuit attorney of a city not within a county or the  
109 municipal prosecuting attorney shall notify the central  
110 repository on standard forms supplied by the highway patrol

or in a manner approved by the highway patrol of his or her decision to not file a criminal charge on any charge referred to such prosecuting attorney or circuit attorney for criminal charges. All records forwarded to the central repository and the courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

7. The clerk of the courts of each county or city not within a county or municipal court clerk shall furnish the central repository, on standard forms supplied by the highway patrol or in a manner approved by the highway patrol, with a record of all charges filed, including all those added subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for each charge:

(1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

143           (4) The offense cycle number of the offense, and the  
144           originating agency identifier number of the sentencing  
145           court, using such numbers as assigned by the highway patrol.

146           8. The clerk of the courts of each county or city not  
147           within a county shall furnish, to the department of  
148           corrections or department of mental health, court judgment  
149           and sentence documents and the state offense cycle number  
150           and the charge code of the offense which resulted in the  
151           commitment or assignment of an offender to the jurisdiction  
152           of the department of corrections or the department of mental  
153           health if the person is committed pursuant to chapter 552.  
154           This information shall be reported to the department of  
155           corrections or the department of mental health at the time  
156           of commitment or assignment. If the offender was already in  
157           the custody of the department of corrections or the  
158           department of mental health at the time of such subsequent  
159           conviction, the clerk shall furnish notice of such  
160           subsequent conviction to the appropriate department by  
161           certified mail, return receipt requested, or in a manner and  
162           format mutually agreed to, within fifteen days of such  
163           disposition.

164           9. Information and fingerprints, photograph and if  
165           available, any other unique biometric identification  
166           collected, forwarded to the central repository, normally  
167           obtained from a person at the time of the arrest, may be  
168           obtained at any time the subject is in the criminal justice  
169           system or committed to the department of mental health. A  
170           law enforcement agency or the department of corrections may  
171           fingerprint, photograph, and capture any other unique  
172           biometric identification of the person unless collecting  
173           other unique biometric identification of the person is not  
174           financially feasible for the law enforcement agency, and



175 obtain the necessary information at any time the subject is  
176 in custody. If at the time of any court appearance, the  
177 defendant has not been fingerprinted and photographed for an  
178 offense in which a fingerprint and photograph is required by  
179 statute to be collected, maintained, or disseminated by the  
180 central repository, the court shall order a law enforcement  
181 agency or court marshal to fingerprint and photograph  
182 immediately the defendant. The order for fingerprints shall  
183 contain the offense, charge code, date of offense, and any  
184 other information necessary to complete the fingerprint  
185 card. The law enforcement agency or court marshal shall  
186 submit such fingerprints, photograph, and if available, any  
187 other unique biometric identification collected, to the  
188 central repository without undue delay and within thirty  
189 days and shall furnish the offense cycle number associated  
190 with the fingerprints to the prosecuting attorney or the  
191 circuit attorney of a city not within a county and to the  
192 court clerk of the court ordering the subject fingerprinted.

193 10. The department of corrections and the department  
194 of mental health shall furnish the central repository with  
195 all information concerning the receipt, escape, execution,  
196 death, release, pardon, parole, commutation of sentence,  
197 granting of executive clemency, legal name change, or  
198 discharge of an individual who has been sentenced to that  
199 department's custody for any offenses which are mandated by  
200 law to be collected, maintained or disseminated by the  
201 central repository. All records forwarded to the central  
202 repository by the department as required by sections 43.500  
203 to [43.651] **43.600** shall include the offense cycle number of  
204 the offense, and the originating agency identifier number of  
205 the department using such numbers as assigned by the highway  
206 patrol.

43.506. 1. Those offenses considered reportable for  
the purposes of sections 43.500 to [43.651] **43.600** include  
all felonies; class A misdemeanors; all violations for  
driving under the influence of drugs or alcohol; any offense  
that can be enhanced to a class A misdemeanor or higher for  
subsequent violations; and comparable ordinance violations  
consistent with the reporting standards established by the  
National Crime Information Center, Federal Bureau of  
Investigation, for the Federal Interstate Identification  
Index System; and all cases arising under chapter 566. The  
following types of offenses shall not be considered  
reportable for the purposes of sections 57.403, 43.500 to  
[43.651] **43.600**, and 595.200 to 595.218: nonspecific  
charges of suspicion or investigation, general traffic  
violations and all misdemeanor violations of the state  
wildlife code. All offenses considered reportable shall be  
reviewed annually and noted in the Missouri charge code  
manual established in section 43.512. All information  
collected pursuant to sections 43.500 to [43.651] **43.600**  
shall be available only as set forth in section 610.120.

2. Law enforcement agencies, court clerks, prosecutors  
and custody agencies may report required information by  
electronic medium either directly to the central repository  
or indirectly to the central repository via other criminal  
justice agency computer systems in the state with the  
approval of the highway patrol, based upon standards  
established by the advisory committee.

3. In addition to the repository of fingerprint  
records for individual offenders and applicants, the central  
repository of criminal history and identification records  
for the state shall maintain a repository of latent prints,

32 palm prints and other unique biometric identification  
33 submitted to the repository.

43.509. The director of the department of public  
2 safety shall, in accordance with the provisions of chapter  
3 536, establish such rules and regulations as are necessary  
4 to implement the provisions of sections 43.500 to [43.651]  
5 **43.600**. All collection and dissemination of criminal  
6 history information shall be in compliance with chapter 610  
7 and applicable federal laws or regulations. Such rules  
8 shall relate to the collection of criminal history  
9 information from or dissemination of such information to  
10 criminal justice, noncriminal justice, and private agencies  
11 or citizens both in this and other states. No rule or  
12 portion of a rule promulgated under the authority of  
13 sections 43.500 to [43.651] **43.600** shall become effective  
14 unless it has been promulgated pursuant to the provisions of  
15 section 536.024.

43.527. For purposes of sections 43.500 to [43.651]  
2 **43.600**, all federal and nonstate of Missouri agencies and  
3 persons shall pay for criminal records checks, fingerprint  
4 searches, and any of the information as defined in  
5 subdivision (5) of section 43.500, when such information is  
6 not related to the administration of criminal justice.  
7 There shall be no charge for information supplied to  
8 criminal justice agencies for the administration of criminal  
9 justice. For purposes of sections 43.500 to [43.651]  
10 **43.600**, the administration of criminal justice is defined in  
11 subdivision (1) of section 43.500 and shall be available  
12 only as set forth in section 610.120.

43.530. 1. For each request requiring the payment of  
2 a fee received by the central repository, the requesting  
3 entity shall pay a fee of not more than nine dollars per

4 request for criminal history record information not based on  
5 a fingerprint search. In each year beginning on or after  
6 January 1, 2010, the superintendent may increase the fee  
7 paid by requesting entities by an amount not to exceed one  
8 dollar per year, however, under no circumstance shall the  
9 fee paid by requesting entities exceed fifteen dollars per  
10 request.

11 2. For each request requiring the payment of a fee  
12 received by the central repository, the requesting entity  
13 shall pay a fee of not more than twenty dollars per request  
14 for criminal history record information based on a  
15 fingerprint search, unless the request is required under the  
16 provisions of subdivision (6) of section 210.481, section  
17 210.487, or section 571.101, in which case the fee shall be  
18 fourteen dollars.

19 3. A request made under subsections 1 and 2 of this  
20 section shall be limited to check and search on one  
21 individual. Each request shall be accompanied by a check,  
22 warrant, voucher, money order, or electronic payment payable  
23 to the state of Missouri-criminal record system or payment  
24 shall be made in a manner approved by the highway patrol.  
25 The highway patrol may establish procedures for receiving  
26 requests for criminal history record information for  
27 classification and search for fingerprints, from courts and  
28 other entities, and for the payment of such requests. There  
29 is hereby established by the treasurer of the state of  
30 Missouri a fund to be entitled as the "Criminal Record  
31 System Fund". Notwithstanding the provisions of section  
32 33.080 to the contrary, if the moneys collected and  
33 deposited into this fund are not totally expended annually  
34 for the purposes set forth in sections 43.500 to [43.651]  
35 **43.600**, the unexpended moneys in such fund shall remain in

36 the fund and the balance shall be kept in the fund to  
37 accumulate from year to year.

589.400. 1. **Unless such person is exempt from**  
2 **registering under section 589.401,** sections 589.400 to  
3 589.425 shall apply to:

4 (1) Any person who, since July 1, 1979, has been or is  
5 hereafter adjudicated for an offense [referenced in section  
6 589.414, unless such person is exempt from registering under  
7 subsection 9 or 10 of this section or section 589.401] **that**  
8 **would classify the person as a tier I offender, tier II**  
9 **offender, or tier III offender in this state;**

10 (2) [Any person who, since July 1, 1979, has been or  
11 is hereafter convicted of, been found guilty of, or pled  
12 guilty or nolo contendere to committing, attempting to  
13 commit, or conspiring to commit one or more of the following  
14 offenses: kidnapping or kidnapping in the first degree when  
15 the victim was a child and the defendant was not a parent or  
16 guardian of the child; abuse of a child under section  
17 568.060 when such abuse is sexual in nature; felonious  
18 restraint or kidnapping in the second degree when the victim  
19 was a child and the defendant is not a parent or guardian of  
20 the child; sexual contact or sexual intercourse with a  
21 resident of a nursing home or sexual conduct with a nursing  
22 facility resident or vulnerable person in the first or  
23 second degree; endangering the welfare of a child under  
24 section 568.045 when the endangerment is sexual in nature;  
25 genital mutilation of a female child, under section 568.065;  
26 promoting prostitution in the first degree; promoting  
27 prostitution in the second degree; promoting prostitution in  
28 the third degree; sexual exploitation of a minor; promoting  
29 child pornography in the first degree; promoting child  
30 pornography in the second degree; possession of child

pornography; furnishing pornographic material to minors;  
public display of explicit sexual material; coercing  
acceptance of obscene material; promoting obscenity in the  
first degree; promoting pornography for minors or obscenity  
in the second degree; incest; use of a child in a sexual  
performance; or promoting sexual performance by a child;  
patronizing prostitution if the individual the person  
patronizes is less than eighteen years of age;

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

[(4)] (3) Any person who, since July 1, 1979, has been  
found not guilty as a result of mental disease or defect of  
any offense [referenced in section 589.414] **that would  
classify the person as a tier I offender, tier II offender,  
or tier III offender;**

[(5)] (4) Any juvenile certified as an adult and  
transferred to a court of general jurisdiction who has been  
adjudicated for an offense [listed under section 589.414]  
**that would classify the juvenile as a tier I offender, tier  
II offender, or tier III offender;**

[(6)] (5) Any juvenile fourteen years of age or older  
at the time of the offense who has been adjudicated for an  
offense which is equal to or more severe than aggravated  
sexual abuse under 18 U.S.C. Section 2241, which shall  
include any attempt or conspiracy to commit such offense.  
**Offenders registering under this subdivision shall be  
assigned a tier under the provisions of section 589.414 and  
eligible for removal when meeting all other qualifications  
in section 589.400 to 589.425. The tier assignment under  
589.414 shall be only for the purposes of registration visit  
frequency and removal eligibility and shall not otherwise**

63 **affect the analysis of whether registration is required**  
64 **under this section;**

65 [(7)] (6) Any person who is a resident of this state  
66 who has, since July 1, 1979, been or is hereafter  
67 adjudicated in any other state, territory, the District of  
68 Columbia, or foreign country, or under federal, tribal, or  
69 military jurisdiction for an offense which, if committed in  
70 this state, would constitute an offense [listed under  
71 section 589.414] **that would classify the person as a tier I**  
72 **offender, tier II offender, or tier III offender,** or has  
73 been or is required to register in another state, territory,  
74 the District of Columbia, or foreign country, or has been or  
75 is required to register under tribal, federal, or military  
76 law. **Offenders registering under this subdivision shall be**  
77 **assigned a tier under the provisions of section 589.414 and**  
78 **eligible for removal when meeting all other qualifications**  
79 **in section 589.400 to 589.425. The tier assignment under**  
80 **589.414 shall be only for the purposes of registration visit**  
81 **frequency and removal eligibility and shall not otherwise**  
82 **affect the analysis of whether registration is required**  
83 **under this section; or**

84 [(8)] (7) Any person who has been or is required to  
85 register in another state, territory, the District of  
86 Columbia, or foreign country, or has been or is required to  
87 register under tribal, federal, or military law and who  
88 works or attends an educational institution, whether public  
89 or private in nature, including any secondary school, trade  
90 school, professional school, or institution of higher  
91 education on a full-time or on a part-time basis or has a  
92 temporary residence in Missouri. ["Part-time" in this  
93 subdivision means for more than seven days in any twelve-  
94 month period.] **Offenders registering under this subdivision**

95 shall be assigned a tier under the provisions of section  
96 589.414 and eligible for removal when meeting all other  
97 qualifications in section 589.400 to 589.425. The tier  
98 assignment under 589.414 shall be only for the purposes of  
99 registration visit frequency and removal eligibility and  
100 shall not otherwise affect the analysis of whether  
101 registration is required under this section.

102 2. Any person **or juvenile** to whom sections 589.400 to  
103 589.425 apply shall, within three business days of  
104 adjudication, release from incarceration, [or] placement  
105 upon probation, **release from commitment to the division of**  
106 **youth services, release from the department of mental**  
107 **health, or release from other placement,** register with the  
108 [chief law enforcement] **registration** official of the county  
109 or city not within a county in which such person **or juvenile**  
110 resides unless such person has already registered in that  
111 county for the same offense. [For any juvenile under  
112 subdivision (6) of subsection 1 of this section, within  
113 three business days of adjudication or release from  
114 commitment to the division of youth services, the department  
115 of mental health, or other placement, such juvenile shall  
116 register with the chief law enforcement official of the  
117 county or city not within a county in which he or she  
118 resides unless he or she has already registered in such  
119 county or city not within a county for the same offense.]  
120 Any person **or juvenile** to whom sections 589.400 to 589.425  
121 apply if not currently registered in their county of  
122 residence shall register with the [chief law enforcement]  
123 **registration** official [of such county or city not within a  
124 county] within three business days. The [chief law  
125 enforcement] **registration** official shall forward a copy of  
126 the registration form required by section 589.407 to a city,



town, village, or campus law enforcement agency located within the county of the [chief law enforcement] registration official.

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

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

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

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

4.] The registration requirements shall be as follows:

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

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

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

[5.] 4. (1) The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by:

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

(b) Not being adjudicated of any sex offense;

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

(d) Successfully completing an appropriate sex offender treatment program certified by a jurisdiction or the attorney general, regardless of whether such program was

159 court ordered or voluntary. If records of program  
160 completion are unavailable, and completion of such program  
161 was required as a term of probation, then an order  
162 discharging the sex offender from probation or other record  
163 acknowledging satisfactory completion of probation shall  
164 constitute prima facie evidence that the sex offender  
165 successfully completed the necessary sex offender treatment  
166 program, unless rebutted by evidence to the contrary.

167 (2) In the case of a:

168 (a) Tier I [sex] offender, the period during which the  
169 clean record shall be maintained is ten years;

170 (b) Tier III [sex] offender adjudicated delinquent for  
171 the offense which required registration in a sex offender  
172 registry under sections 589.400 to 589.425, the period  
173 during which the clean record shall be maintained is twenty-  
174 five years.

175 (3) In the case of a:

176 (a) Tier I [sex] offender, the reduction is five years;

177 (b) Tier III [sex] offender adjudicated delinquent,  
178 the reduction is from life to that period for which the  
179 clean record under paragraph (b) of subdivision (2) of this  
180 subsection is maintained.

181 [6.] 5. For processing an initial sex offender  
182 registration, the [chief law enforcement officer of the  
183 county or city not within a county] **registration official**  
184 may charge the offender registering a fee of up to ten  
185 dollars.

186 [7.] 6. For processing any change in registration  
187 required pursuant to section 589.414, the [chief law  
188 enforcement] **registration official** [of the county or city  
189 not within a county] may charge the [person] **offender**

changing their registration a fee of five dollars for each change made after the initial registration.

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

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

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

(a) Sexual conduct where no force or threat of force 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.]

**7. Any sex offender with primary residence outside this state who has a temporary residence in this state and who resides for more than a part-time period shall register**

in accordance with this section for the duration of such person's temporary residency with the registration official in the jurisdiction of the temporary residence.

[11.] 8. Any [nonresident worker] sex offender who is not a resident of this state and not currently registered due to temporary residence under subsection 7 of this section and who works, including work as a volunteer or intern, or is a 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], as long as the status requiring registration remains active. Such registration shall occur in the county or city not within a county where the status requiring registration occurs. If more than one county or city not within a county meets the requirement, priority should be first to the county of work, second to the county of school, and last to the county of volunteering or any other required status, with registration being required at only the highest

284 **priority county or city not within a county where the**  
285 **registerable status remains.**

589.401. 1. A person on the sexual offender registry  
2 **of this state** may file a petition in the division of the  
3 circuit court in the county or city not within a county in  
4 which the offense requiring registration was [committed]  
5 **adjudicated** to have his or her name **exempted or** removed from  
6 the sexual offender registry **in accordance with this section.**

7 2. (1) A person who is required to register in this  
8 state because of an offense that was adjudicated in another  
9 jurisdiction shall file his or her petition **or complaint** for  
10 removal, **termination, or relief from registration, or the**  
11 **declaratory judgment providing for removal, termination, or**  
12 **relief from registration** according to the laws of the state,  
13 **federal,** territory, tribal, or military jurisdiction, the  
14 District of Columbia, or foreign country in which his or her  
15 offense was adjudicated. Upon [the grant of the petition  
16 for removal in the] **entry of a judgment by a court of**  
17 **competent jurisdiction [where the offense was adjudicated]**  
18 **providing that the person is no longer required to register**  
19 **as a sex offender under the laws of the adjudicating**  
20 **jurisdiction,** such judgment may be registered in this state  
21 by sending the information required under subsection 5 of  
22 this section as well as one authenticated copy of the order  
23 granting removal from the sexual offender registry in the  
24 jurisdiction where the offense was adjudicated to the court  
25 in the county or city not within a county in which the  
26 offender is required to register. On receipt of a request  
27 for registration removal, the registering court shall cause  
28 the order to be filed as a foreign judgment, together with  
29 one copy of the documents and information, regardless of  
30 their form. The petitioner shall be responsible for costs

31 associated with filing the petition. **Nothing in this**  
32 **subsection shall be construed to remove any requirements for**  
33 **a petition under this section or to remove the requirement**  
34 **an offender prove they are entitled to removal under**  
35 **Missouri law, when applicable.**

36 (2) A person required to register as a sex offender in  
37 this state based solely on an offense adjudicated in another  
38 jurisdiction may file a petition for removal from this  
39 state's sexual offender registry, provided that:

40 (a) The offense did not require the person to register  
41 as a sex offender in the adjudicating jurisdiction at the  
42 time the offense was adjudicated; or

43 (b) The person never resided, worked, or attended  
44 school in the adjudicating jurisdiction and was never  
45 required to register in the adjudicating jurisdiction.

46 (3) A petition filed under subdivision (2) of this  
47 subsection shall otherwise satisfy the requirements  
48 applicable to a petition filed under subdivision (1) of this  
49 subsection.

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

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

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

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

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

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

64           (1) The petitioner's:

65           (a) Full name, including any alias used by the

66 **[individual] petitioner;**

67           (b) Sex;

68           (c) Race;

69           (d) Date of birth;

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

71           (f) Address; and

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

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

75           (3) The date the petitioner was adjudicated for the  
76 offense;

77           (4) The date the petitioner was required to register;

78           (5) The case number and court, including the county or  
79 city not within a county, that entered the original order  
80 for the adjudicated sex offense;

81           (6) Petitioner's **original** fingerprints on an applicant  
82 fingerprint card;

83           (7) If the petitioner was pardoned or an offense  
84 requiring registration was reversed, vacated, or set aside,  
85 an authenticated copy of the order; and

86           (8) If the petitioner is currently registered under  
87 applicable law and has not been adjudicated for failure to  
88 register in any jurisdiction and does not have any charges  
89 pending for failure to register.

90           6. The petition shall name as respondents the Missouri  
91 state highway patrol and the **[chief law enforcement]**  
92 **registration** official in the county or city not within a  
93 county in which the petition is filed.



94           7. All proceedings under this section shall be  
95 governed under the Missouri supreme court rules of civil  
96 procedure.

97           8. The person seeking removal or exemption from the  
98 registry shall provide the prosecuting attorney in the  
99 circuit court in which the petition is filed with notice of  
100 the petition. The prosecuting attorney may present evidence  
101 in opposition to the requested relief or may otherwise  
102 demonstrate the reasons why the petition should be denied.  
103 Failure of the person seeking removal or exemption from the  
104 registry to notify the prosecuting attorney of the petition  
105 shall result in an automatic denial of such person's  
106 petition.

107           9. The **Missouri state highway patrol and the**  
108 prosecuting attorney in the circuit court in which the  
109 petition is filed **and the petitioner** shall have access to  
110 all applicable records concerning the petitioner including,  
111 but not limited to, criminal history records, mental health  
112 records, juvenile records, and records of the department of  
113 corrections or probation and parole.

114           10. The prosecuting attorney shall make reasonable  
115 efforts to notify the victim of the crime for which the  
116 person was required to register of the petition and the  
117 dates and times of any hearings or other proceedings in  
118 connection with such petition.

119           11. The court shall not enter an order directing the  
120 removal of the petitioner's name from the sexual offender  
121 registry unless it finds the petitioner:

122           (1) Has not been adjudicated or does not have charges  
123 pending for any additional nonsexual offense for which  
124 imprisonment for more than one year may be imposed since the

125 date the offender was required to register for his or her  
126 current tier level;

127 (2) Has not been adjudicated or does not have charges  
128 pending for any additional sex offense that would require  
129 registration under sections 589.400 to 589.425 since the  
130 date the offender was required to register for his or her  
131 current tier level, even if the offense was punishable by  
132 less than one year imprisonment;

133 (3) Has successfully completed any required periods of  
134 supervised release, probation, or parole without revocation  
135 since the date the offender was required to register for his  
136 or her current tier level, **or in the case of lifetime**  
137 **supervision or probation, provided such term has been**  
138 **reduced or terminated by a court of competent jurisdiction;**

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

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

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

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

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

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

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

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

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

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

15. **(1) Except as provided in subdivision (2) of this subsection,** if the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.

**(2) If the denial was based on a statute or law that has since been amended, repealed, or invalidated, a person may file a new petition within the five-year period. In addition to the requirements of subsection 5 of this section, the new petition shall include the case number and**

187 **court of the prior petition and identify the applicable**  
188 **change in the statute or law.**

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

194       17. Any person subject to the judgment requiring his  
195 or her name to be removed from the sexual offender registry  
196 is not required to register under sections 589.400 to  
197 589.425 unless such person is required to register for an  
198 offense that was different from that listed on the judgment  
199 of removal.

200       18. The court shall not deny the petition unless the  
201 petition failed to comply with the provisions of sections  
202 589.400 to 589.425 or the prosecuting attorney provided  
203 evidence demonstrating the petition should be denied.

204       19. (1) **The provisions of subsections 3 and 4 of this**  
205 **section shall not apply to persons filing for exemption**  
206 **pursuant to this subsection.**

207       (2) **Except as provided in this subsection, a petition**  
208 **for exemption shall be governed by the other requirements**  
209 **provided in this section.**

210       (3) **A petition for exemption under this subsection**  
211 **shall be the exclusive remedy for adjudicating the**  
212 **applicability of the exemptions in this subsection.**

213       (4) **An offender shall be ordered exempt from**  
214 **registration if the offender meets the requirements of this**  
215 **section and the offense requiring registration is:**

216       (a) **Sexual conduct where no force or threat of force**  
217 **was directed toward the victim, the victim was at least**  
218 **fourteen years of age, and the offender was not more than**

219 four years older than the victim at the time of the offense,  
220 unless the victim was under the custodial authority of the  
221 offender at the time of the offense;

222 (b) Sexual conduct where no force or threat of force  
223 was directed toward the victim or any other individual  
224 involved, if the victim was eighteen years of age or older,  
225 unless the victim was under the custodial authority of the  
226 offender at the time of the offense;

227 (c) Promoting obscenity in the first degree under  
228 section 573.020;

229 (d) Promoting obscenity in the second degree under  
230 section 573.030;

231 (e) Furnishing pornographic materials to minors under  
232 section 573.040;

233 (f) Public display of explicit sexual material under  
234 section 573.060; or

235 (g) Coercing acceptance of obscene material under  
236 section 573.065.

237 (5) The offender shall have the burden of proving the  
238 offender meets the requirements for exemption. In  
239 determining whether an offender meets the requirements, a  
240 court may look beyond the offense of conviction and consider  
241 the underlying facts and conduct of the offense when  
242 evaluating noncategorical exemptions.

243 (6) If a court determines a person to be exempt, the  
244 provisions of sections 589.400 to 589.425 shall not apply  
245 for the purposes of the exempt offense. In the event a  
246 person currently registering is found to be exempt from the  
247 registration visit requirements, the person shall also be  
248 removed from the sexual offender registry.

249 (7) Nothing in this subsection shall prohibit a person  
250 from remaining or being placed on the sexual offender

registry for any other nonexempt offense for which the offender is required to register under sections 589.400 to 589.425.

(8) If a petition for exemption is filed before a person is required to register under sections 589.400 to 589.425, the requirements of sections 589.400 to 589.425 shall be automatically stayed pending the outcome. In the event a petition is denied, the requirements of sections 589.400 to 589.425 shall be in effect three business days following the exhaustion of all appeal rights. Nothing in this subdivision shall alter or be construed to give any court authority to alter ongoing requirements for persons whose initial registration requirement begins prior to the filing of a petition for exemption, until a final order of exemption is entered.

20. The provisions of subsections 3 and 4 of this section shall not apply to persons filing for removal where the offense requiring registration is reversed, vacated, or set aside. A petition for removal due to the offense being reversed, vacated, or set aside shall be filed in accordance with all other requirements of this section and shall be the exclusive remedy for removal in such situations. Such petition shall include a certified copy of the action reversing, vacating, or setting aside the offense requiring registration.

21. This section shall be the sole remedy for removal or exemption for offenders adjudicated of a registerable offense. No declaratory action shall be filed for relief from registration requirements, except where registration, or threat thereof, is the result of an offense never requiring registration. Nothing in this subsection shall be construed to prohibit the filing of a declaratory action

283 **solely on the issue of what tier an offender should be**  
284 **classified under.**

589.403. 1. Any person who is required to register  
2 under sections 589.400 to 589.425 and who is paroled,  
3 discharged, or otherwise released from any correctional  
4 facility of the department of corrections, any mental health  
5 institution, private jail under section 221.095, or other  
6 private facility recognized by or contracted with the  
7 department of corrections or department of mental health  
8 where such person was confined shall:

9 (1) If the person plans to reside in this state, be  
10 informed by the official in charge of such correctional  
11 facility, private jail, or mental health institution of the  
12 person's possible duty to register pursuant to sections  
13 589.400 to 589.425. If such person is required to register  
14 pursuant to sections 589.400 to 589.425, the official in  
15 charge of the correctional facility, private jail, or the  
16 mental health institution shall complete the initial  
17 registration notification at least seven days prior to  
18 release and **[forward] report** the offender's **initial**  
19 **registration notification in accordance with the subsection**  
20 **1 of section 589.410**, within three business days of release,  
21 to the Missouri state highway patrol and the **[chief law**  
22 **enforcement] registration** official of the county or city not  
23 within a county where the person expects to reside upon  
24 discharge, parole, or release; or

25 (2) If the person does not reside or plan to reside in  
26 Missouri, be informed by the official in charge of such  
27 correctional facility, private jail, or mental health  
28 institution of the person's possible duty to register under  
29 sections 589.400 to 589.425. If such person is required to  
30 register under sections 589.400 to 589.425, the official in

charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and **[forward] report** the offender's **initial registration notification in accordance with subsection 1 of section 589.410**, within three business days of release, to the Missouri state highway patrol and the **[chief law enforcement] registration official [within] of** the county or city not within a county where the correctional facility, private jail, or mental health institution is located.

2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the **[chief law enforcement] registration** official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located.

589.404. As used in sections 589.400 to 589.425, the following terms mean:

(1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit. **Adjudication does not require the imposition of sentence for the purposes of sections 589.400 to 589.425. The term "adjudication" shall include by reference all acts meeting the definition of "conviction" under Section 111 of the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;**



14           (2) "Adjudicated delinquent", a person found to have  
15 committed an offense that, if committed by an adult, would  
16 be a criminal offense;

17           (3) "Chief law enforcement official", the sheriff's  
18 office of each county or the police department of a city not  
19 within a county;

20           (4) **"Electronic mail", the transmission of information**  
21 **or communication by the use of the internet, a computer, a**  
22 **facsimile machine, a pager, a cellular telephone or other**  
23 **wireless communication device, a video recorder, or other**  
24 **electronic means sent to a person identified by a unique**  
25 **address or address number and received by that person;**

26           (5) **"Entity", a business or organization that provides**  
27 **internet service, electronic communications service, remote**  
28 **computing service, online service, electronic mail service,**  
29 **or electronic instant message or chat services whether the**  
30 **business or organization is within or outside this state;**

31           (6) **"Instant message", a form of real-time text**  
32 **communication between two or more people. The communication**  
33 **is conveyed via computers connected over a network such as**  
34 **the internet, or between cell phone or wireless**  
35 **communication device users, or over a cell phone or wireless**  
36 **communication device network;**

37           (7) **"Offender registration", the required minimum**  
38 **informational content of sex offender registries, which**  
39 **shall consist of, but not be limited to, a full set of**  
40 **fingerprints on a standard sex offender registration card**  
41 **upon initial registration in Missouri, as well as all other**  
42 **forms and in whatever manner required by the Missouri state**  
43 **highway patrol upon each initial and subsequent registration;**

44           [(5)] (8) **"Online identifier", includes all of the**  
45 **following: electronic mail address, instant message screen**

46 name, user ID, cell phone number or wireless communication  
47 device number or identifier, chat or other internet  
48 communication name, social media profiles, IP addresses, or  
49 other identity information specified on the registration  
50 form by the Missouri state highway patrol;

51 (9) "Part-time", more than seven days in any twelve-  
52 month period;

53 (10) "Probation officer", includes any agent of a  
54 private entity assigned to provide probation supervision  
55 services to an offender due to the offender's status as a  
56 sexual offender who is required to register pursuant to  
57 sections 589.400 to 589.425;

58 (11) "Registration official", the chief law  
59 enforcement official for the county or city not within a  
60 county in which the sex offender is required to register;

61 (12) "Residence", [any place where an offender sleeps  
62 for seven or more consecutive or nonconsecutive days or  
63 nights within a twelve-month period] the domicile of the sex  
64 offender;

65 [(6)] (13) "Sex offender", any person who meets the  
66 criteria to register under sections 589.400 to 589.425 or  
67 under the Sex Offender Registration and Notification Act,  
68 Title I of the Adam Walsh Child Protection and Safety Act of  
69 2006, P.L. 109-248, as amended;

70 [(7)] (14) "Sex offender registry", a system  
71 maintained by the Missouri state highway patrol to collect,  
72 store, and disseminate all initial notification information,  
73 registration information, offender status, and all other  
74 information required under sections 589.400 to 589.425. The  
75 sex offender registry is a distinct system from the website  
76 maintained by the Missouri state highway patrol, which  
77 displays a distinct set of information contained within the

78 **sex offender registry publicly on the web in accordance with**  
79 **this section;**

80       **(15) "Sex offense", any offense which is listed [under**  
81 **section 589.414 or comparable to those listed under section**  
82 **589.414 or otherwise] as a tier I offense, tier II offense,**  
83 **or tier III offense, which is comparable to offenses listed**  
84 **as a tier I offense, tier II offense, or tier III offense,**  
85 **or which is otherwise comparable to offenses** covered under  
86 the Sex Offender Registration and Notification Act, Title I  
87 of the Adam Walsh Child Protection and Safety Act of 2006,  
88 P.L. 109-248, **as amended;**

89       **[(8)] (16) "Sexual act", any type or degree of**  
90 **genital, oral, or anal penetration;**

91       **[(9)] (17) "Sexual conduct", sexual intercourse,**  
92 **deviate sexual intercourse, or sexual contact;**

93       **[(10)] (18) "Sexual contact", any touching of another**  
94 **person with the genitals or any touching of the genitals or**  
95 **anus of another person, or the breast of a female person, or**  
96 **such touching through the clothing, or causing semen,**  
97 **seminal fluid, or other ejaculate to come into contact with**  
98 **another person, for the purpose of arousing or gratifying**  
99 **the sexual desire of any person or for the purpose of**  
100 **terrorizing the victim;**

101       **[(11)] (19) "Sexual element", used for the purposes of**  
102 **distinguishing if sexual contact or a sexual act was**  
103 **committed. Authorities shall refer to information filed by**  
104 **the prosecutor, amended information filed by the prosecutor,**  
105 **indictment information filed by the prosecutor, or amended**  
106 **indictment information filed by the prosecutor, the plea**  
107 **agreement, or court documentation to determine if a sexual**  
108 **element exists;**

109           [(12)] (20) "Signature", the name of the offender  
110 signed in writing or electronic form approved by the  
111 Missouri state highway patrol;

112           [(13)] (21) "Student", an individual who enrolls in or  
113 attends the physical location of an educational institution,  
114 including a public or private secondary school, trade or  
115 professional school, or an institution of higher education;

116           [(14)] (22) "Temporary residence", any place where an  
117 offender sleeps for seven or more consecutive or  
118 nonconsecutive days or nights within a twelve-month period,  
119 other than the offender's domicile;

120           (23) "Tier I offender",

121           (a) An individual who has been adjudicated for a tier  
122 I offense; or

123           (b) Any offender who is or has been adjudicated in any  
124 other state, territory, the District of Columbia, or foreign  
125 country, or under federal, tribal, or military jurisdiction  
126 of an offense comparable to a tier I offense or that meets  
127 the definition of a tier I offense under the Sex Offender  
128 Registration and Notification Act, Title I of the Adam Walsh  
129 Child Protection and Safety Act of 2006, P.L. 109-248, as  
130 amended;

131           (24) "Tier II offender",

132           (a) An individual who has been adjudicated for a tier  
133 II offense; or

134           (b) Any offender who is adjudicated of an offense  
135 comparable to a tier I offense or failure to register  
136 offense under section 589.425 or comparable out-of-state  
137 failure to register offense and who is already required to  
138 register as a tier I offender due to having been adjudicated  
139 of a tier I offense on a previous occasion; or

140           (c) Any offender who is or has been adjudicated in any  
141 other state, territory, the District of Columbia, or foreign  
142 country, or under federal, tribal, or military jurisdiction  
143 for an offense of a sexual nature or with a sexual element  
144 that is comparable to a tier II offense or that meets the  
145 definition of a tier II offense under the Sex Offender  
146 Registration and Notification Act, Title I of the Adam Walsh  
147 Child Protection and Safety Act of 2006, P.L. 109-248, as  
148 amended;

149           (25) "Tier III offender",

150           (a) An individual who has been adjudicated for a tier  
151 III offense; or

152           (b) Any offender registered as a predatory sexual  
153 offender or a persistent sexual offender, as the terms  
154 "predatory sexual offender" and "persistent sexual offender"  
155 are defined in section 566.125;

156           (c) Any offender who is adjudicated for a crime  
157 comparable to a tier I offense or tier II offense or failure  
158 to register offense under section 589.425, or other  
159 comparable out-of-state failure to register offense, who has  
160 been or is already required to register as a tier II  
161 offender because of having been adjudicated for a tier II  
162 offense, two tier I offenses, or combination of a tier I  
163 offense and a failure to register offense, on a previous  
164 occasion;

165           (d) Any offender who is adjudicated in any other  
166 state, territory, the District of Columbia, or foreign  
167 country, or under federal, tribal, or military jurisdiction  
168 for an offense of a sexual nature or with a sexual element  
169 that is comparable to a tier III offense or that meets the  
170 definition of a tier III offense under the Sex Offender  
171 Registration and Notification Act, Title I of the Adam Walsh

Child Protection and Safety Act of 2006, P.L. 109-248, as amended; or

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

(26) "Tier I offense", the following adjudicated offenses:

(a) Kidnapping in the first degree under section 565.110 with sexual motivation if the victim is eighteen years of age or older;

(b) Kidnapping in the second degree under section 565.120 with sexual motivation if the victim is eighteen years of age or older;

(c) Kidnapping in the third degree under section 565.130 with sexual motivation if the victim is eighteen years of age or older;

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

(e) 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;

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

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

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

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

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

(k) Sex with an animal under section 566.111;

(l) 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;

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

(n) Sexual conduct in the course of public duty under section 566.145 if the victim is eighteen years of age or older;

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

(p) Promoting obscenity in the first degree under section 573.020 if the victim is less than eighteen years of age;

(q) Promoting pornography for minors or obscenity in the second degree under section 573.030 if the victim is less than eighteen years of age;

(r) Possession of child pornography under section 573.037;

(s) Furnishing pornographic material to minors under section 573.040;

(t) Public display of explicit sexual material under section 573.060 if the victim is less than eighteen years of age; or

(u) Coercing acceptance of obscene material under section 573.065 if the victim is less than eighteen years of age;

(27) "Tier II offense", the following adjudicated offenses:

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

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

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

245           (d) Sexual misconduct involving a child under section  
246 566.083 if it is a first offense and the penalty is a term  
247 of imprisonment of more than a year;

248           (e) Sexual contact with a student under section  
249 566.086 if the victim is thirteen to seventeen years of age;

250           (f) Sexual abuse in the first degree under section  
251 566.100 if the victim is thirteen to seventeen years of age;

252           (g) Sexual conduct in the course of public duty under  
253 section 566.145 if the victim is thirteen to seventeen years  
254 of age;

255           (h) Enticement of a child under section 566.151;

256           (i) Age misrepresentation with intent to solicit a  
257 minor under section 566.153;

258           (j) Patronizing prostitution under section 567.030 if  
259 the person patronized is eighteen years of age or older;

260           (k) Promoting prostitution in the first degree under  
261 section 567.050 if the victim is eighteen years of age or  
262 older;

263           (l) Promoting prostitution in the second degree under  
264 section 567.060 if the victim is eighteen years of age or  
265 older;



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

(n) 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;

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

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

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

(28) "Tier III offense", the following adjudicated offenses:

(a) 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 of a nonsexual nature;

(b) Kidnapping in the second degree under section 565.120 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;

(c) Kidnapping in the third degree under section 565.130 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;

(d) Child kidnapping under section 565.115;

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

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

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

297           (h) Statutory rape in the second degree under section  
298 566.034;  
299           (i) Sodomy in the first degree under section 566.060;  
300           (j) Sodomy in the second degree under section 566.061;  
301           (k) Statutory sodomy in the first degree under section  
302 566.062;  
303           (l) Statutory sodomy in the second degree under  
304 section 566.064 if the victim is under sixteen years of age;  
305           (m) Child molestation in the first degree under  
306 section 566.067;  
307           (n) Child molestation in the second degree under  
308 section 566.068;  
309           (o) Child molestation in the third degree under  
310 section 566.069 if the victim is under thirteen years of age;  
311           (p) Child molestation in the fourth degree under  
312 section 566.071 if the victim is under thirteen years of age;  
313           (q) Sexual misconduct involving a child under section  
314 566.083 if the offense is a second or subsequent offense;  
315           (r) Sexual contact with a student under section  
316 566.086 if the victim is under thirteen years of age;  
317           (s) Sexual abuse in the first degree under section  
318 566.100 if the victim is under thirteen years of age;  
319           (t) Sexual abuse in the second degree under section  
320 566.101 if the penalty is a term of imprisonment of more  
321 than a year;  
322           (u) Sexual conduct with a nursing facility resident or  
323 vulnerable person in the first degree under section 566.115  
324 if the punishment is one year or more;  
325           (v) Sexual conduct in the course of public duty under  
326 section 566.145 if the victim is under thirteen years of age;

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

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

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

334           (z) Patronizing prostitution under section 567.030 if  
335 the offender is a persistent offender or if the person  
336 patronized is less than eighteen years of age;

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

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

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

343           (dd) Promoting travel for prostitution under section  
344 567.085 if the victim is under eighteen years of age;

345           (ee) Incest under section 568.020;

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

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

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

356           (ii) Genital mutilation of a female child under  
357 section 568.065;

358           (jj) Use of a child in a sexual performance under  
359 section 573.200; or

360           (kk) Promoting a sexual performance by a child under  
361 section 573.205;

362           (29) "Vehicle", any land vehicle, watercraft, or  
363 aircraft.

589.405. 1. Any person who is required to register  
2 under sections 589.400 to 589.425 and who is released on  
3 probation, discharged upon payment of a fine, or released  
4 after confinement in a county jail shall, prior to such  
5 release or discharge and at the time of adjudication, be  
6 informed of the possible duty to register pursuant to  
7 sections 589.400 to 589.425 by the court having jurisdiction  
8 over the case. If such person is required to register  
9 pursuant to sections 589.400 to 589.425 and is placed on  
10 probation, the court shall make it a condition of probation  
11 that the offender report within three business days to the  
12 [chief law enforcement] **registration** official of the county  
13 of adjudication or city not within a county of adjudication  
14 to complete initial registration. If such offender is not  
15 placed on probation, the court shall:

16           (1) If the offender resides in Missouri, complete the  
17 initial notification of duty to register form approved by  
18 the state judicial records committee and the Missouri state  
19 highway patrol and forward the form within three business  
20 days to the Missouri state highway patrol and the [chief law  
21 enforcement] **registration** official in the county or city not  
22 within a county in which the offender resides; or

23           (2) If the offender does not reside in Missouri:

24           (a) Order the offender to report directly to the  
25 [chief law enforcement] **registration** official in the county

26 or city not within a county where the adjudication was heard  
27 to register as provided in sections 589.400 to 589.425; and

28 (b) Complete the initial notification of duty to  
29 register form approved by the state judicial records  
30 committee and the Missouri state highway patrol and forward  
31 the form within three business days to the Missouri state  
32 highway patrol and the [chief law enforcement] **registration**  
33 official in the county or city not within a county where the  
34 offender was adjudicated.

35 2. If the offender resides in Missouri and refuses to  
36 complete and sign the registration information as provided  
37 in subdivision (1) of subsection 1 of this section, or if  
38 the offender resides outside of Missouri and refuses to  
39 directly report to the [chief law enforcement] **registration**  
40 official as provided in subdivision (2) of subsection 1 of  
41 this section, the offender commits the offense of failure to  
42 register under section 589.425.

589.407. 1. Any registration pursuant to sections  
2 589.400 to 589.425 shall consist of completion of an  
3 offender registration form developed by the Missouri state  
4 highway patrol or other format approved by the Missouri  
5 state highway patrol. Such form shall consist of a  
6 statement, including the signature of the offender, and  
7 shall include, but is not limited to, the following:

8 (1) A statement in writing signed by the person,  
9 giving the name, address, date of birth, Social Security  
10 number, and phone number of the person, the license plate  
11 number and vehicle description, including the year, make,  
12 model, and color of each vehicle owned or operated by the  
13 offender, any online identifiers[, as defined in section  
14 43.651,] used by the person, the place of employment of such  
15 person, enrollment within any institutions of higher

16 education, the crime which requires registration, whether  
17 the person was sentenced as a persistent or predatory  
18 offender pursuant to section 566.125, the date, place, and a  
19 brief description of such crime, the date and place of the  
20 conviction or plea regarding such crime, the age and gender  
21 of the victim at the time of the offense and whether the  
22 person successfully completed the Missouri sexual offender  
23 program pursuant to section 589.040, if applicable;

24 (2) The fingerprints and palm prints of the person;

25 (3) Unless the offender's appearance has not changed  
26 significantly, a photograph of such offender as follows:

27 (a) Quarterly if a tier III sex offender [under  
28 section 589.414]. Such photograph shall be taken every  
29 ninety days beginning in the month of the person's birth;

30 (b) Semiannually if a tier II sex offender. Such  
31 photograph shall be taken in the month of the person's birth  
32 and six months thereafter; and

33 (c) Yearly if a tier I sex offender. Such photograph  
34 shall be taken in the month of the person's birth; [and]

35 (4) A DNA sample from the individual, if a sample has  
36 not already been obtained; and

37 **(5) Information regarding any temporary residence**  
38 **where the offender is staying away from his or her residence**  
39 **for seven or more days, including the period of time the**  
40 **offender is staying in such place, regardless of whether the**  
41 **temporary residence is in Missouri or any other place.**

42 2. The offender shall provide positive identification  
43 and documentation to substantiate the accuracy of the  
44 information completed on the offender registration form,  
45 including but not limited to the following:

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

48           (2) A document verifying proof of the offender's  
49 residency; and

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

52           3. The Missouri state highway patrol shall maintain  
53 all required registration information in digitized form.

54           4. [Upon receipt of any changes to an offender's  
55 registration information contained in this section, the  
56 Missouri state highway patrol shall immediately notify all  
57 other jurisdictions in which the offender is either  
58 registered or required to register.

59           5.] The offender shall be responsible for reviewing  
60 his or her existing registration information for accuracy at  
61 every regular in-person appearance and, if any inaccuracies  
62 are found, provide proof of the information in question.

63           **5. (1) Regular in-person appearances to the**  
64 **registration official following initial registration shall**  
65 **be required:**

66           (a) **Annually for tier I offenders;**

67           (b) **Every six months for tier II offenders; and**

68           (c) **Every ninety days for tier III offenders.**

69           (2) **For the purposes of establishing a schedule for**  
70 **registration visits, a registration official shall ensure**  
71 **that the required registration interval is followed from the**  
72 **date of any initial registration until the month of an**  
73 **offender's birth and then at the appropriate interval**  
74 **beginning from the month of the offender's birth thereafter.**

75           6. The signed offender registration form shall serve  
76 as proof that the individual understands his or her duty to  
77 register as a sexual offender under sections 589.400 to  
78 589.425 and a statement to this effect shall be included on

79 the form that the individual is required to sign at each  
80 registration.

81       **7. If an offender has a guardian appointed by a court**  
82 **of competent jurisdiction, the guardian may sign affirming**  
83 **the accuracy of the offender registration form under this**  
84 **section. Nothing in this subsection shall alleviate the**  
85 **requirements of the offender to appear in person, nor shall**  
86 **this subsection be construed to affect any restrictions**  
87 **applicable to an offender because of their status on the**  
88 **sexual offender registry.**

589.410. 1. All notifications of a requirement to  
2 register shall be reported to the sex offender registry  
3 within three days, in a manner prescribed by the Missouri  
4 state highway patrol.

5       **2. The [chief law enforcement] registration official**  
6 **shall [forward] enter the completed offender registration**  
7 **[form to] forms and related updates into the sex offender**  
8 **registry in a manner prescribed by the Missouri state**  
9 **highway patrol within three days. The Missouri state**  
10 **highway patrol shall [enter] ensure the information entered**  
11 **into the sex offender registry is accessible through the**  
12 **Missouri uniform law enforcement system (MULES) [where it**  
13 **is] and forwarded to the National Crime Information Center**  
14 **(NCIC) in accordance with applicable law. The information**  
15 **shall also be available to members of the criminal justice**  
16 **system, and other entities as provided by law, upon**  
17 **inquiry. Certain portions of the information shall also be**  
18 **published on the internet in accordance with this section.**

[43.650.] 589.411. 1. The Missouri state highway  
2 patrol shall[, subject to appropriation,] maintain a web  
3 page on the internet which shall be open to the public and  
4 shall include a registered sexual offender search capability.



5           2. Except as provided in subsections 4 and 5 of this  
6 section, the registered sexual offender search shall make it  
7 possible for any person using the internet to search for and  
8 find the information specified in subsection 4 of this  
9 section, if known, on offenders registered in this state  
10 pursuant to sections 589.400 to 589.425.

11           3. The registered sexual offender search shall include  
12 the capability to search for sexual offenders by name, zip  
13 code, and by typing in an address and specifying a search  
14 within a certain number of miles radius from that address.

15           4. Only the information listed in this subsection  
16 shall be provided to the public in the registered sexual  
17 offender search:

18           (1) The name and any known aliases of the offender;

19           (2) The date of birth and any known alias dates of  
20 birth of the offender;

21           (3) A physical description of the offender;

22           (4) The residence, temporary, work, and school  
23 addresses of the offender, including the street address,  
24 city, county, state, and zip code;

25           (5) Any photographs of the offender;

26           (6) A physical description of the offender's vehicles,  
27 including the year, make, model, color, and license plate  
28 number;

29           (7) The nature and dates of all offenses qualifying  
30 the offender to register, including the tier level assigned  
31 to the offender under sections 589.400 to 589.425;

32           (8) The date on which the offender was released from  
33 the department of mental health, prison, or jail, or placed  
34 on parole, supervised release, or probation for the offenses  
35 qualifying the offender to register;

36           (9) Compliance status of the offender with the  
37 provisions of section 589.400 to 589.425; and

38           (10) Any online identifiers[, as defined in section  
39 43.651,] used by the person. Such online identifiers shall  
40 not be included in the general profile of an offender on the  
41 web page and shall only be available to a member of the  
42 public by a search using the specific online identifier to  
43 determine if a match exists with a registered offender.

44           5. Juveniles required to register under subdivision  
45 [(5)] (4) of subsection 1 of section 589.400 shall be exempt  
46 from public notification **on the internet** to include any  
47 adjudications from another state, territory, the District of  
48 Columbia, or foreign country or any federal, tribal, or  
49 military jurisdiction.

50           6. **The Missouri state highway patrol shall regularly**  
51 **update the web page to remove persons who have been ordered**  
52 **removed or exempt in accordance with section 589.401 by a**  
53 **court, persons who are deceased, and persons who have moved**  
54 **out of the state. In the case of an offender who has moved**  
55 **out of the state, the entry shall remain until the Missouri**  
56 **state highway patrol confirms the offender has complied with**  
57 **all registration requirements in the offender's new state,**  
58 **territory, or country of residence, when applicable.**

59           7. In addition to the web page maintained by the  
60 Missouri state highway patrol, a registration official may  
61 maintain a web page on the internet, which shall be open to  
62 the public and shall include a registered sexual offender  
63 search capability. Except as provided in subsections 5 and  
64 6 of this section, the registered sexual offender search  
65 shall make it possible for any person using the internet to  
66 search for and find the information specified in subsection  
67 5 of this section, if known, on offenders registered in this

68 state pursuant to sections 589.400 to 589.425. The chief  
69 law enforcement officer of any county or city not within a  
70 county may also publish in any newspaper distributed in the  
71 county or city not within a county the sexual offender  
72 information provided under subsection 3 of this section for  
73 any offender residing in the county or city not within a  
74 county.

[43.651.] 589.412. [1. As used in this section, the  
2 following terms shall mean:

3 (1) "Electronic mail", the transmission of information  
4 or communication by the use of the internet, a computer, a  
5 facsimile machine, a pager, a cellular telephone or other  
6 wireless communication device, a video recorder, or other  
7 electronic means sent to a person identified by a unique  
8 address or address number and received by that person;

9 (2) "Entity", a business or organization that provides  
10 internet service, electronic communications service, remote  
11 computing service, online service, electronic mail service,  
12 or electronic instant message or chat services whether the  
13 business or organization is within or outside this state;

14 (3) "Instant message", a form of real-time text  
15 communication between two or more people. The communication  
16 is conveyed via computers connected over a network such as  
17 the internet, or between cell phone or wireless  
18 communication device users, or over a cell phone or wireless  
19 communication device network;

20 (4) "Online identifier", includes all of the  
21 following: electronic mail address and instant message  
22 screen name, user ID, cell phone number or wireless  
23 communication device number or identifier, chat or other  
24 internet communication name, or other identity information.

25       2.] Subject to appropriations, the **Missouri state**  
26 **highway** patrol shall make registry information regarding a  
27 registered sexual offender's online identifiers available to  
28 an entity for the purpose of allowing the entity to  
29 prescreen users or for comparison with information held by  
30 the entity as provided by this subsection:

31       (1) The information obtained by an entity from the  
32 state sexual offender registry shall not be used for any  
33 purpose other than for prescreening its users or comparing  
34 the database of registered users of the entity against the  
35 list of online identifiers of persons in the state sexual  
36 offender registry in order to protect children from online  
37 sexual predators. The **Missouri state highway** patrol shall  
38 promulgate rules and regulations regarding the release and  
39 use of online identifier information. Any rule or portion  
40 of a rule, as that term is defined in section 536.010, that  
41 is created under the authority delegated in this section  
42 shall become effective only if it complies with and is  
43 subject to all of the provisions of chapter 536 and, if  
44 applicable, section 536.028. This section and chapter 536  
45 are nonseverable and if any of the powers vested with the  
46 general assembly pursuant to chapter 536 to review, to delay  
47 the effective date, or to disapprove and annul a rule are  
48 subsequently held unconstitutional, then the grant of  
49 rulemaking authority and any rule proposed or adopted after  
50 August 28, 2008, shall be invalid and void;

51       (2) Any entity desiring to prescreen its users or  
52 compare its database of registered users to the list of  
53 online identifiers of persons in the state sexual offender  
54 registry may apply to the **Missouri state highway** patrol to  
55 access the information. An entity that complies with the  
56 rules and regulations promulgated by the **Missouri state**

57 **highway** patrol regarding the release and use of the online  
58 identifier information and pays the fee established by the  
59 **Missouri state highway** patrol may screen new users or  
60 compare its database of registered users to the list of  
61 online identifiers of persons in the state sexual offender  
62 registry as frequently as the **Missouri state highway** patrol  
63 may allow for the purpose of identifying a registered user  
64 associated with an online identifier contained in the state  
65 sexual offender registry;

66 (3) Any entity complying with this subsection in good  
67 faith shall be immune from any civil or criminal liability  
68 resulting from:

69 (a) The entity's refusal to provide system service to  
70 a person on the basis that the entity believed that the  
71 person was required to register under sections 589.400 to  
72 589.425;

73 (b) A person's criminal or tortious acts when the  
74 person is required to register pursuant to sections 589.400  
75 to 589.425, and the person complied with the requirement to  
76 register their online identifiers under section 589.407, and  
77 committed the criminal or tortious acts against a minor with  
78 whom he or she had communicated on the entity's system by  
79 using their registered online identifier; or

80 (c) Any activity for which the entity would be immune  
81 from liability under 47 U.S.C. Section 230.

[43.533.] **589.413.** 1. The **Missouri state** highway  
2 patrol shall, subject to appropriation, operate a toll-free  
3 telephone number in order to disseminate registration  
4 information provided by [individuals] **persons** who are  
5 required to register under sections 589.400 to 589.425, and  
6 receive information from persons regarding the residency of  
7 a registered sexual offender. The information available via

8 the telephone number shall include only information that  
9 offenders are required to provide under section 589.407.  
10 When the **Missouri state** highway patrol provides such  
11 information regarding a sexual offender, the patrol  
12 personnel shall advise the person making the inquiry that  
13 positive identification of a person believed to be a sexual  
14 offender cannot be established unless a fingerprint  
15 comparison is made, and that it is illegal to use such  
16 information regarding a registered sexual offender to  
17 facilitate the commission of a crime. The toll-free  
18 telephone number shall be published on the **Missouri state**  
19 highway patrol's sexual offender registry website maintained  
20 under section [43.650] **589.411**.

21 2. The **Missouri state highway** patrol shall promulgate  
22 rules to effect the enforcement of this section. Any rule  
23 or portion of a rule, as that term is defined in section  
24 536.010, that is created under the authority delegated in  
25 this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536 and,  
27 if applicable, section 536.028. This section and chapter  
28 536 are nonseverable and if any of the powers vested with  
29 the general assembly pursuant to chapter 536 to review, to  
30 delay the effective date, or to disapprove and annul a rule  
31 are subsequently held unconstitutional, then the grant of  
32 rulemaking authority and any rule proposed or adopted after  
33 August 28, 2006, shall be invalid and void.

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

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

14           2. Any person required to register under sections

15       589.400 to 589.425 shall, within three business days, notify

16       the [chief law enforcement] **registration** official [of the

17       county or city not within a county] of any changes to the

18       following information:

- 19           (1) Vehicle information;
- 20           (2) [Temporary lodging information;
- 21           (3)] Temporary residence information;
- 22           [(4) Email addresses, instant messaging addresses, and
- 23       any other designations used in internet communications,
- 24       postings, or telephone communications; or
- 25           (5)] (3) Telephone or other cellular number, including
- 26       any new forms of electronic communication; **or**
- 27           (4) **Online identifiers.**

28           3. The [chief law enforcement] **registration** official

29       [in the county or city not within a county] shall

30       immediately forward the registration changes described under

31       subsections 1 and 2 of this section to the Missouri state

32       highway patrol within three business days **in accordance with**

33       **section 589.410.**

34           4. (1) If any person required by sections 589.400 to

35       589.425 to register changes such person's residence or

36       address to a different county or city not within a county,

37       the person shall appear in person and shall inform both the

38       [chief law enforcement] **registration** official with whom the

39 person last registered and the [chief law enforcement]  
40 **registration** official of the county or city not within a  
41 county having jurisdiction over the new residence or address  
42 in writing within three business days of such new address  
43 and phone number, if the phone number is also changed.

44       (2) If any person required by sections 589.400 to  
45 589.425 to register changes his or her state, territory, the  
46 District of Columbia, or foreign country, or federal,  
47 tribal, or military jurisdiction of residence, the person  
48 shall appear in person and shall inform both the [chief law  
49 enforcement] **registration** official with whom the person was  
50 last registered and the [chief law enforcement] **registration**  
51 official of the area in the new state, territory, the  
52 District of Columbia, or foreign country, or federal,  
53 tribal, or military jurisdiction having jurisdiction over  
54 the new residence or address within three business days of  
55 such new address.

56       (3) Whenever a registrant changes residence, the  
57 [chief law enforcement] **registration** official of the county  
58 or city not within a county where the person was previously  
59 registered shall inform the Missouri state highway patrol of  
60 the change within three business days.

61       (4) When the registrant is changing the residence to a  
62 new state, territory, the District of Columbia, or foreign  
63 country, or federal, tribal, or military jurisdiction, the  
64 Missouri state highway patrol shall inform the responsible  
65 official in the new state, territory, the District of  
66 Columbia, or foreign country, or federal, tribal, or  
67 military jurisdiction of residence within three business  
68 days.

69       5. **Registrants shall appear in person to the**  
70 **registration official and complete all forms required for**



71 such purposes by the United States Marshall's Service no  
72 less than twenty-one days before travel outside of the  
73 United States. Such information shall be forwarded to the  
74 United States Marshall's Service, and a copy shall be  
75 provided by the registration official to the Missouri state  
76 highway patrol in a manner prescribed by the Missouri state  
77 highway patrol.

78 6. Offenders shall be classified as a tier I offender,  
79 tier II offender, or tier III offender in accordance with  
80 this section. To the extent more than one tier definition  
81 applies to an offender, the highest tier which applies shall  
82 be the tier the offender is classified into.

83 7. The initial determination as to the tier of an  
84 offender shall be made by the registration official when an  
85 offender first appears for registration with the official.  
86 Upon receipt of an initial offender registration from a new  
87 registration official, the Missouri state highway patrol  
88 shall analyze the initial tier determination for accuracy.  
89 If the Missouri state highway patrol determines the initial  
90 tier decision is inaccurate, it shall notify the  
91 registration official, and the Missouri state highway  
92 patrol's determination shall control the tier  
93 classification. Upon receipt of an updated tiering  
94 decision, the registration official shall notify the  
95 offender no later than the next previously scheduled in-  
96 person check-in for the offender. Upon notification of the  
97 offender or failure of the offender to appear at the next  
98 regularly scheduled in-person check, reporting requirements  
99 aligning with the new tier determination shall be in effect.

100 8. Tier I [sexual] offenders, in addition to the  
101 requirements of subsections 1 to [4] 5 of this section,  
102 shall report in person to the [chief law enforcement]

103 **registration** official annually in the month of their birth  
104 to verify the information contained in their statement made  
105 pursuant to section 589.407. [Tier I sexual offenders  
106 include:

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

109 (a) Sexual abuse in the first degree under section  
110 566.100 if the victim is eighteen years of age or older;

111 (b) Sexual misconduct involving a child under section  
112 566.083 if it is a first offense and the punishment is less  
113 than one year;

114 (c) Sexual abuse in the second degree under section  
115 566.101 if the punishment is less than a year;

116 (d) Kidnapping in the second degree under section  
117 565.120 with sexual motivation;

118 (e) Kidnapping in the third degree under section  
119 565.130;

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

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

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

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

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

132 (k) Possession of child pornography under section  
133 573.037;

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

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

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

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

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

6.] 9. Tier II [sexual] offenders, in addition to the requirements of subsections 1 to [4] 5 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the [chief law enforcement] **registration** 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;

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

168 (c) Sexual contact with a student under section  
169 566.086 if the victim is thirteen to seventeen years of age;

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

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

174 (f) Sexual exploitation of a minor under section  
175 573.023;

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

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

180 (i) Patronizing prostitution under section 567.030;

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

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

187 (l) Sexual misconduct involving a child under section  
188 566.083 if it is a first offense and the penalty is a term  
189 of imprisonment of more than a year; or

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

192 (2) Any person who is adjudicated of an offense  
193 comparable to a tier I offense listed in this section or  
194 failure to register offense under section 589.425 or  
195 comparable out-of-state failure to register offense and who  
196 is already required to register as a tier I offender due to

197 having been adjudicated of a tier I offense on a previous  
198 occasion; or

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

209 7.] 10. Tier III [sexual] offenders, in addition to  
210 the requirements of subsections 1 to [4] 5 of this section,  
211 shall report in person to the [chief law enforcement]  
212 **registration** official every ninety days to verify the  
213 information contained in their statement made under section  
214 589.407. [Tier III sexual offenders include:

215 (1) Any offender registered as a predatory sexual  
216 offender as defined in section 566.123 or a persistent  
217 sexual offender as defined in section 566.124;

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

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

221 (b) Statutory rape in the first degree under section  
222 566.032;

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

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

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

228 (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.] 11.** In addition to the requirements of subsections 1 to **[7] 5 and 8 to 10** 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]** **registration official** 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.] 12. 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.

589.415. [1.] Any probation officer or parole officer assigned to a sexual offender who is required to register pursuant to sections 589.400 to 589.425 shall notify the appropriate law enforcement officials whenever the **probation officer or parole officer** has reason to believe that the offender will be changing his or her residence. Upon obtaining the new address where the offender expects to reside, the **probation officer or parole officer** shall report such address to the [chief law enforcement] **registration** official with whom the offender last registered and the [chief law enforcement] **registration** official of the county having jurisdiction over the new residence, if different. The **probation officer or parole officer** shall also inform the offender of the offender's duty to register. However, nothing in this section shall affect the offender's duty to register, pursuant to sections 589.400 to 589.425.

[2. As used in this section, the term "probation officer" includes any agent of a private entity assigned to provide probation supervision services to an offender due to the offender's status as a sexual offender who is required to register pursuant to sections 589.400 to 589.425.]

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610 and are not public records as defined in section 610.010, and shall be available only to courts, prosecutors and law enforcement agencies.

2. [Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county]

**The following information shall be available as an open record under chapter 610:**

(1) **The registration official** shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the [chief law enforcement] **registration** official [of the county];

(2) **Any information retained by the Missouri state highway patrol** required to be published on the internet at the time of the request, as provided in section 589.411; and

(3) **The name, offense requiring registration, dates of registration, and compliance status of any offender who has been removed from the internet because of death or a move out of the state. For offenders who have moved out of the state, the new state of residence shall also be an open record.**

3. **Nothing in this section shall be construed to open any records relating to an offender who has been removed from the sexual offender registry or found exempt under section 589.401. Such records shall be governed by the provisions of chapter 610.**

32           4. The metadata recorded by the sex offender registry  
33 system, website, or other related databases utilized by the  
34 sex offender registry, including activity logs, user  
35 information, or other related information shall be a closed  
36 record, available only to authorized users for the  
37 administration of criminal justice, as the term  
38 "administration of criminal justice" is defined in section  
39 43.500.

2           [589.402. 1. The chief law enforcement  
3 officer of the county or city not within a  
4 county may maintain a web page on the internet,  
5 which shall be open to the public and shall  
6 include a registered sexual offender search  
7 capability.

8           2. Except as provided in subsections 4 and  
9 5 of this section, the registered sexual  
10 offender search shall make it possible for any  
11 person using the internet to search for and find  
12 the information specified in subsection 3 of  
13 this section, if known, on offenders registered  
14 in this state pursuant to sections 589.400 to  
15 589.425.

16           3. Only the information listed in this  
17 subsection shall be provided to the public in  
18 the registered sexual offender search:

19           (1) The name and any known aliases of the  
20 offender;

21           (2) The date of birth and any known alias  
22 dates of birth of the offender;

23           (3) A physical description of the offender;

24           (4) The residence, temporary, work, and  
25 school addresses of the offender, including the  
26 street address, city, county, state, and zip  
27 code;

28           (5) Any photographs of the offender;

29           (6) A physical description of the  
30 offender's vehicles, including the year, make,  
31 model, color, and license plate number;

32           (7) The nature and dates of all offenses  
qualifying the offender to register, including

the tier level assigned to the offender under sections 589.400 to 589.425;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Juveniles required to register under subdivision (6) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.]

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