

SECOND REGULAR SESSION

# SENATE BILL NO. 982

## 103RD GENERAL ASSEMBLY

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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.

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*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4 589.415, and 589.417, RSMo, are repealed and nineteen new  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

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

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

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

43.503. 1. For the purpose of maintaining complete  
2 and accurate criminal history record information, all police  
3 officers of this state, the clerk of each court, the  
4 department of corrections, the sheriff of each county, the  
5 chief law enforcement official of a city not within a county  
6 and the prosecuting attorney of each county or the circuit  
7 attorney of a city not within a county shall submit certain  
8 criminal arrest, charge, and disposition information to the  
9 central repository for filing without undue delay in the  
10 form and manner required by sections 43.500 to [43.651]  
11 **43.600.**

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

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

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

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

51       4. In instances where an individual less than  
52 seventeen years of age and not currently certified as an  
53 adult is taken into custody for an offense which would be a  
54 felony if committed by an adult, the arresting officer shall  
55 take fingerprints for the central repository. These  
56 fingerprints shall be taken on fingerprint cards supplied by  
57 or approved by the highway patrol or transmitted  
58 electronically in a format and manner approved by the  
59 highway patrol and in compliance with the standards set by  
60 the Federal Bureau of Investigation in its Automated  
61 Fingerprint Identification System or its successor program.  
62 The fingerprint cards shall be so constructed that the name  
63 of the juvenile should not be made available to the central  
64 repository. The individual's name and the unique number  
65 associated with the fingerprints and other pertinent  
66 information shall be provided to the court of jurisdiction  
67 by the agency taking the juvenile into custody. The  
68 juvenile's fingerprints and other information shall be  
69 forwarded to the central repository and the courts without  
70 undue delay. The fingerprint information from the card  
71 shall be captured and stored in the automated fingerprint  
72 identification system operated by the central repository.  
73 In the event the fingerprints are found to match other  
74 tenprints or unsolved latent prints, the central repository  
75 shall notify the submitting agency who shall notify the  
76 court of jurisdiction as per local agreement. Under section  
77 211.031, in instances where a juvenile over fifteen and one-  
78 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

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

121       7. The clerk of the courts of each county or city not  
122 within a county or municipal court clerk shall furnish the  
123 central repository, on standard forms supplied by the  
124 highway patrol or in a manner approved by the highway  
125 patrol, with a record of all charges filed, including all  
126 those added subsequent to the filing of a criminal court  
127 case, amended charges, and all final dispositions of cases  
128 for which the central repository has a record of an arrest  
129 or a record of fingerprints reported pursuant to sections  
130 43.500 to 43.506. Such information shall include, for each  
131 charge:

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

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

140           (3) Judgments terminating or revoking a sentence to  
141 probation, supervision or conditional release and any  
142 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  
2 the purposes of sections 43.500 to [43.651] **43.600** include  
3 all felonies; class A misdemeanors; all violations for  
4 driving under the influence of drugs or alcohol; any offense  
5 that can be enhanced to a class A misdemeanor or higher for  
6 subsequent violations; and comparable ordinance violations  
7 consistent with the reporting standards established by the  
8 National Crime Information Center, Federal Bureau of  
9 Investigation, for the Federal Interstate Identification  
10 Index System; and all cases arising under chapter 566. The  
11 following types of offenses shall not be considered  
12 reportable for the purposes of sections 57.403, 43.500 to  
13 [43.651] **43.600**, and 595.200 to 595.218: nonspecific  
14 charges of suspicion or investigation, general traffic  
15 violations and all misdemeanor violations of the state  
16 wildlife code. All offenses considered reportable shall be  
17 reviewed annually and noted in the Missouri charge code  
18 manual established in section 43.512. All information  
19 collected pursuant to sections 43.500 to [43.651] **43.600**  
20 shall be available only as set forth in section 610.120.

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

28 3. In addition to the repository of fingerprint  
29 records for individual offenders and applicants, the central  
30 repository of criminal history and identification records  
31 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

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

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

42 [(4)] (3) Any person who, since July 1, 1979, has been  
43 found not guilty as a result of mental disease or defect of  
44 any offense [referenced in section 589.414] **that would**  
**classify the person as a tier I offender, tier II offender,**  
**or tier III offender;**

45 [(5)] (4) Any juvenile certified as an adult and  
46 transferred to a court of general jurisdiction who has been  
47 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;**

48 [(6)] (5) Any juvenile fourteen years of age or older  
49 at the time of the offense who has been adjudicated for an  
50 offense which is equal to or more severe than aggravated  
51 sexual abuse under 18 U.S.C. Section 2241, which shall  
52 include any attempt or conspiracy to commit such offense.  
53 **Offenders registering under this subdivision shall be**  
54 **assigned a tier under the provisions of section 589.414 and**  
55 **eligible for removal when meeting all other qualifications**  
56 **in section 589.400 to 589.425. The tier assignment under**  
57 **589.414 shall be only for the purposes of registration visit**  
58 **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**  
**offender, tier II offender, or tier III offender**, or has  
72 been or is required to register in another state, territory,  
73 the District of Columbia, or foreign country, or has been or  
74 is required to register under tribal, federal, or military  
75 law. **Offenders registering under this subdivision shall be**  
76 **assigned a tier under the provisions of section 589.414 and**  
77 **eligible for removal when meeting all other qualifications**  
78 **in section 589.400 to 589.425. The tier assignment under**  
79 **589.414 shall be only for the purposes of registration visit**  
80 **frequency and removal eligibility and shall not otherwise**  
81 **affect the analysis of whether registration is required**  
82 **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,

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

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

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

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

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

140 4.] The registration requirements shall be as follows:

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

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

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

147 [5.] 4. (1) The registration period shall be reduced  
148 as described in subdivision (3) of this subsection for a sex  
149 offender who maintains a clean record for the periods  
150 described under subdivision (2) of this subsection by:

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

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

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

156 (d) Successfully completing an appropriate sex  
157 offender treatment program certified by a jurisdiction or  
158 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**

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

192 [8. Any person currently on the sexual offender  
193 registry or who otherwise would be required to register for  
194 being adjudicated for the offense of felonious restraint of  
195 a nonsexual nature when the victim was a child and he or she  
196 was the parent or guardian of the child, nonsexual child  
197 abuse that was committed under section 568.060, or  
198 kidnapping of a nonsexual nature when the victim was a child  
199 and he or she was the parent or guardian of the child shall  
200 be removed from the registry. However, such person shall  
201 remain on the sexual offender registry for any other offense  
202 for which he or she is required to register under sections  
203 589.400 to 589.425.

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

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

213 (a) Sexual conduct where no force or threat of force  
214 was directed toward the victim or any other individual  
215 involved, if the victim was an adult, unless the adult was  
216 under the custodial authority of the offender at the time of  
217 the offense; or

218 (b) Sexual conduct where no force or threat of force  
219 was directed toward the victim, the victim was at least  
220 fourteen years of age, and the offender was not more than

221 four years older than the victim at the time of the offense;

222 or

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

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

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

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

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

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

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

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

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

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

245 10. Any person currently on the sexual offender  
246 registry for having been adjudicated for a tier I or II  
247 offense or adjudicated delinquent for a tier III offense or  
248 other comparable offenses listed under section 589.414 may  
249 file a petition under section 589.401.]

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

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

256       **[11.] 8. Any [nonresident worker] sex offender who is**  
257       **not a resident of this state and not currently registered**  
258       **due to temporary residence under subsection 7 of this**  
259       **section and who works**, including work as a volunteer or  
260       intern, or **is a** nonresident student shall register for the  
261       duration of such person's employment, including  
262       participation as a volunteer or intern, or attendance at any  
263       school of higher education whether public or private,  
264       including any secondary school, trade school, professional  
265       school, or institution of higher education on a full-time or  
266       part-time basis **[in this state unless granted relief under**  
267       **section 589.401. Any registered offender shall provide**  
268       **information regarding any place in which the offender is**  
269       **staying when away from his or her residence for seven or**  
270       **more days, including the period of time the offender is**  
271       **staying in such place. Any registered offender from another**  
272       **state who has a temporary residence in this state and**  
273       **resides more than seven days in a twelve-month period shall**  
274       **register for the duration of such person's temporary**  
275       **residency unless granted relief under section 589.401], as**  
276       **long as the status requiring registration remains active.**  
277       **Such registration shall occur in the county or city not**  
278       **within a county where the status requiring registration**  
279       **occurs. If more than one county or city not within a county**  
280       **meets the requirement, priority should be first to the**  
281       **county of work, second to the county of school, and last to**  
282       **the county of volunteering or any other required status,**  
283       **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:

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

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

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

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

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

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

176 15. (1) **Except as provided in subdivision (2) of this**  
177 **subsection**, if the petition is denied for reasons other than  
178 those outlined in subsection 11 of this section, no  
179 successive petition requesting such relief shall be filed  
180 for at least five years from the date the judgment denying  
181 relief is entered.

182 (2) **If the denial was based on a statute or law that**  
183 **has since been amended, repealed, or invalidated, a person**  
184 **may file a new petition within the five-year period. In**  
185 **addition to the requirements of subsection 5 of this**  
186 **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

251       registry for any other nonexempt offense for which the  
252       offender is required to register under sections 589.400 to  
253       589.425.

254               (8) If a petition for exemption is filed before a  
255       person is required to register under sections 589.400 to  
256       589.425, the requirements of sections 589.400 to 589.425  
257       shall be automatically stayed pending the outcome. In the  
258       event a petition is denied, the requirements of sections  
259       589.400 to 589.425 shall be in effect three business days  
260       following the exhaustion of all appeal rights. Nothing in  
261       this subdivision shall alter or be construed to give any  
262       court authority to alter ongoing requirements for persons  
263       whose initial registration requirement begins prior to the  
264       filing of a petition for exemption, until a final order of  
265       exemption is entered.

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

276               21. This section shall be the sole remedy for removal  
277       or exemption for offenders adjudicated of a registerable  
278       offense. No declaratory action shall be filed for relief  
279       from registration requirements, except where registration,  
280       or threat thereof, is the result of an offense never  
281       requiring registration. Nothing in this subsection shall be  
282       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

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

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

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

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

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;

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;

(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

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

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

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

181 (a) Kidnapping in the first degree under section  
182 565.110 with sexual motivation if the victim is eighteen  
183 years of age or older;

184 (b) Kidnapping in the second degree under section  
185 565.120 with sexual motivation if the victim is eighteen  
186 years of age or older;

187 (c) Kidnapping in the third degree under section  
188 565.130 with sexual motivation if the victim is eighteen  
189 years of age or older;

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

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

195 (f) Sexual misconduct involving a child under section  
196 566.083 if it is a first offense and the punishment is less  
197 than one year;

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

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

202 (i) Sexual abuse in the first degree under section  
203 566.100 if the victim is eighteen years of age or older;

204 (j) Sexual abuse in the second degree under section  
205 566.101 if the punishment is less than a year;  
206 (k) Sex with an animal under section 566.111;  
207 (l) Sexual conduct with a nursing facility resident or  
208 vulnerable person in the first degree under section 566.115  
209 if the punishment is less than one year;  
210 (m) Sexual conduct under section 566.116 with a  
211 nursing facility resident or vulnerable person;  
212 (n) Sexual conduct in the course of public duty under  
213 section 566.145 if the victim is eighteen years of age or  
214 older;  
215 (o) Trafficking for the purpose of sexual exploitation  
216 under section 566.209 if the victim is eighteen years of age  
217 or older;  
218 (p) Promoting obscenity in the first degree under  
219 section 573.020 if the victim is less than eighteen years of  
220 age;  
221 (q) Promoting pornography for minors or obscenity in  
222 the second degree under section 573.030 if the victim is  
223 less than eighteen years of age;  
224 (r) Possession of child pornography under section  
225 573.037;  
226 (s) Furnishing pornographic material to minors under  
227 section 573.040;  
228 (t) Public display of explicit sexual material under  
229 section 573.060 if the victim is less than eighteen years of  
230 age; or  
231 (u) Coercing acceptance of obscene material under  
232 section 573.065 if the victim is less than eighteen years of  
233 age;  
234 (27) "Tier II offense", the following adjudicated  
235 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;

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

(b) 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:

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

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

272 (o) Sexual exploitation of a minor under section  
273 573.023;

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

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

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

280 (a) Kidnapping in the first degree under section  
281 565.110 if the victim is under eighteen years of age,  
282 excluding kidnapping by a parent or guardian of a nonsexual  
283 nature;

284 (b) Kidnapping in the second degree under section  
285 565.120 if the victim is under eighteen years of age,  
286 excluding kidnapping by a parent or guardian of a nonsexual  
287 nature;

288 (c) Kidnapping in the third degree under section  
289 565.130 if the victim is under eighteen years of age,  
290 excluding kidnapping by a parent or guardian of a nonsexual  
291 nature;

292 (d) Child kidnapping under section 565.115;

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

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

295 (g) Statutory rape in the first degree under section  
296 566.032;

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

(cc) Promoting prostitution in the third degree under 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.

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;

(9) Compliance status of the offender with the provisions of section 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.

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

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

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

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

134 (1) Sexual misconduct in the first degree under  
135 section 566.093;

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

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

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

143 (2) Any offender who is or has been adjudicated in any  
144 other state, territory, the District of Columbia, or foreign  
145 country, or under federal, tribal, or military jurisdiction  
146 of an offense of a sexual nature or with a sexual element  
147 that is comparable to the tier I sexual offenses listed in  
148 this subsection or, if not comparable to those in this  
149 subsection, comparable to those described as tier I offenses  
150 under the Sex Offender Registration and Notification Act,  
151 Title I of the Adam Walsh Child Protection and Safety Act of  
152 2006, Pub. L. 109-248.

153        6.] 9. Tier II [sexual] offenders, in addition to the  
154        requirements of subsections 1 to [4] 5 of this section,  
155        shall report semiannually in person in the month of their  
156        birth and six months thereafter to the [chief law  
157        enforcement] **registration** official to verify the information  
158        contained in their statement made pursuant to section  
159        589.407. [Tier II sexual offenders include:

160 (1) Any offender who has been adjudicated for the  
161 offense of:  
162 (a) Statutory sodomy in the second degree under  
163 section 566.064 if the victim is sixteen to seventeen years  
164 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;

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

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

232 (i) Sexual misconduct involving a child under section  
233 566.083 if the offense is a second or subsequent offense;

234 (j) Sexual abuse in the first degree under section  
235 566.100 if the victim is under thirteen years of age;

236 (k) Kidnapping in the first degree under section  
237 565.110 if the victim is under eighteen years of age,  
238 excluding kidnapping by a parent or guardian;

239 (l) Child kidnapping under section 565.115;

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

243 (n) Incest under section 568.020;

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

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

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

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

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

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

258 (u) Promoting prostitution in the third degree under  
259 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

291 (jj) Promoting a sexual performance by a child under  
292 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;

302 (4) Any offender who is adjudicated in any other  
303 state, territory, the District of Columbia, or foreign  
304 country, or under federal, tribal, or military jurisdiction  
305 for an offense of a sexual nature or with a sexual element  
306 that is comparable to a tier III offense listed in this  
307 section or a tier III offense under the Sex Offender  
308 Registration and Notification Act, Title I of the Adam Walsh  
309 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.

314        8.] 11. In addition to the requirements of subsections  
315        1 to [7] 5 and 8 to 10 of this section, all Missouri  
316        registrants who work, including as a volunteer or unpaid  
317        intern, or attend any school whether public or private,  
318        including any secondary school, trade school, professional  
319        school, or institution of higher education, on a full-time  
320        or part-time basis or have a temporary residence in this  
321        state shall be required to report in person to the [chief  
322        law enforcement officer] registration official in the area

323 of the state where they work, including as a volunteer or  
324 unpaid intern, or attend any school or training and register  
325 in that state. ["Part-time" in this subsection means for  
326 more than seven days in any twelve-month period.]

327 9.] 12. If a person who is required to register as a  
328 sexual offender under sections 589.400 to 589.425 changes or  
329 obtains a new online identifier [as defined in section  
330 43.651], the person shall report such information in the  
331 same manner as a change of residence before using such  
332 online identifier.

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

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

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

8       2. [Notwithstanding any provision of law to the  
9 contrary, the chief law enforcement official of the county]  
10      **The following information shall be available as an open  
11 record under chapter 610:**

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

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

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

27       3. Nothing in this section shall be construed to open  
28 any records relating to an offender who has been removed  
29 from the sexual offender registry or found exempt under  
30 section 589.401. Such records shall be governed by the  
31 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  
  capability.

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

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

18               (1) The name and any known aliases of the  
19       offender;  
20               (2) The date of birth and any known alias  
21       dates of birth of the offender;  
22               (3) A physical description of the offender;  
23               (4) The residence, temporary, work, and  
24       school addresses of the offender, including the  
25       street address, city, county, state, and zip  
26       code;

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

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

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

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

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

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

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

58 5. Juveniles required to register under  
59 subdivision (6) of subsection 1 of section  
60 589.400 shall be exempt from public notification  
61 to include any adjudications from another state,  
62 territory, the District of Columbia, or foreign  
63 country or any federal, tribal, or military  
64 jurisdiction.]

✓