

SECOND REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 982

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

5756S.02P

KRISTINA MARTIN, Secretary

AN ACT

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

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

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4 589.415, and 589.417, RSMo, are repealed and nineteen new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

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

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

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

9 shall include the screening of employees or applicants
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 fingerprints 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**
45 **classify the person as a tier I offender, tier II offender,**
46 **or tier III offender;**

47 [(5)] (4) Any juvenile certified as an adult and
48 transferred to a court of general jurisdiction who has been
49 adjudicated for an offense [listed under section 589.414]
50 **that would classify the juvenile as a tier I offender, tier**
51 **II offender, or tier III offender;**

52 [(6)] (5) Any juvenile fourteen years of age or older
53 at the time of the offense who has been adjudicated for an
54 offense which is equal to or more severe than aggravated
55 sexual abuse under 18 U.S.C. Section 2241, which shall
56 include any attempt or conspiracy to commit such offense.
57 **Offenders registering under this subdivision shall be**
58 **assigned a tier under the provisions of section 589.414 and**
59 **eligible for removal when meeting all other qualifications**

60 in sections 589.400 to 589.425. The tier assignment under
61 section 589.414 shall be only for the purposes of
62 registration visit frequency and removal eligibility and
63 shall not otherwise affect the analysis of whether
64 registration is required under this section;

65 [(7)] (6) Any person who is a resident of this state
66 who has, since July 1, 1979, been or is hereafter
67 adjudicated in any other state, territory, the District of
68 Columbia, or foreign country, or under federal, tribal, or
69 military jurisdiction for an offense which, if committed in
70 this state, would constitute an offense [listed under
71 section 589.414] that would classify the person as a tier I
72 offender, tier II offender, or tier III offender, or has
73 been or is required to register in another state, territory,
74 the District of Columbia, or foreign country, or has been or
75 is required to register under tribal, federal, or military
76 law. Offenders registering under this subdivision shall be
77 assigned a tier under the provisions of section 589.414 and
78 eligible for removal when meeting all other qualifications
79 in sections 589.400 to 589.425. The tier assignment under
80 section 589.414 shall be only for the purposes of
81 registration visit frequency and removal eligibility and
82 shall not otherwise affect the analysis of whether
83 registration is required 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 sections 589.400 to 589.425. The tier**
98 **assignment under section 589.414 shall be only for the**
99 **purposes of registration visit frequency and removal**
100 **eligibility and shall not otherwise affect the analysis of**
101 **whether 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 subsection 1 of**
20 **section 589.410**, within three business days of release, to
21 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;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (23) "Tier I offender",

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

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

131 (24) "Tier II offender",

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

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

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

149 (25) "Tier III offender",

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

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

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

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

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;

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

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

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

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

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

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

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

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

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

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

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;

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

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

345 (ee) Incest under section 568.020;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (3) A physical description of the offender;

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

25 (5) Any photographs of the offender;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 3. The [chief law enforcement] **registration** official
29 [in the county or city not within a county] shall
30 immediately forward the registration changes described under
31 subsections 1 and 2 of this section to the Missouri state
32 highway patrol within three business days **in accordance with**
33 **section 589.410.**

34 4. (1) If any person required by sections 589.400 to
35 589.425 to register changes such person's residence or
36 address to a different county or city not within a county,
37 the person shall appear in person and shall inform both the
38 [chief law enforcement] **registration** official with whom the

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

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

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

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

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

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

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

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

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

103 to verify the information contained in their statement made
104 pursuant to section 589.407. [Tier I sexual offenders
105 include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152 6.] 9. Tier II [sexual] offenders, in addition to the
153 requirements of subsections 1 to [4] 5 of this section,
154 shall report semiannually in person in the month of their
155 birth and six months thereafter to the [chief law
156 enforcement] **registration** official to verify the information
157 contained in their statement made pursuant to section
158 589.407. [Tier II sexual offenders include:

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

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

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

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

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

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

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

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

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

179 (i) Patronizing prostitution under section 567.030;

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

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

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

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

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

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

208 7.] 10. Tier III [sexual] offenders, in addition to
209 the requirements of subsections 1 to [4] 5 of this section,
210 shall report in person to the [chief law enforcement]
211 **registration** official every ninety days to verify the
212 information contained in their statement made under section
213 589.407. [Tier III sexual offenders include:

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

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

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

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

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

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

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

227 (f) Statutory sodomy under section 566.062;

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

230 (h) Sodomy in the second degree under section 566.061;
231 (i) Sexual misconduct involving a child under section
232 566.083 if the offense is a second or subsequent offense;
233 (j) Sexual abuse in the first degree under section
234 566.100 if the victim is under thirteen years of age;
235 (k) Kidnapping in the first degree under section
236 565.110 if the victim is under eighteen years of age,
237 excluding kidnapping by a parent or guardian;
238 (l) Child kidnapping under section 565.115;
239 (m) Sexual conduct with a nursing facility resident or
240 vulnerable person in the first degree under section 566.115
241 if the punishment is greater than a year;
242 (n) Incest under section 568.020;
243 (o) Endangering the welfare of a child in the first
244 degree under section 568.045 with sexual intercourse or
245 deviate sexual intercourse with a victim under eighteen
246 years of age;
247 (p) Child molestation in the first degree under
248 section 566.067;
249 (q) Child molestation in the second degree under
250 section 566.068;
251 (r) Child molestation in the third degree under
252 section 566.069 if the victim is under thirteen years of age;
253 (s) Promoting prostitution in the first degree under
254 section 567.050 if the victim is under eighteen years of age;
255 (t) Promoting prostitution in the second degree under
256 section 567.060 if the victim is under eighteen years of age;
257 (u) Promoting prostitution in the third degree under
258 section 567.070 if the victim is under eighteen years of age;
259 (v) Promoting travel for prostitution under section
260 567.085 if the victim is under eighteen years of age;

- 261 (w) Trafficking for the purpose of sexual exploitation
262 under section 566.209 if the victim is under eighteen years
263 of age;
- 264 (x) Sexual trafficking of a child in the first degree
265 under section 566.210;
- 266 (y) Sexual trafficking of a child in the second degree
267 under section 566.211;
- 268 (z) Genital mutilation of a female child under section
269 568.065;
- 270 (aa) Statutory rape in the second degree under section
271 566.034;
- 272 (bb) Child molestation in the fourth degree under
273 section 566.071 if the victim is under thirteen years of age;
- 274 (cc) Sexual abuse in the second degree under section
275 566.101 if the penalty is a term of imprisonment of more
276 than a year;
- 277 (dd) Patronizing prostitution under section 567.030 if
278 the offender is a persistent offender;
- 279 (ee) Abuse of a child under section 568.060 if the
280 offense is of a sexual nature and the victim is under
281 thirteen years of age;
- 282 (ff) Sexual contact with a prisoner or offender under
283 section 566.145 if the victim is under thirteen years of age;
- 284 (gg) Sexual intercourse with a prisoner or offender
285 under section 566.145;
- 286 (hh) Sexual contact with a student under section
287 566.086 if the victim is under thirteen years of age;
- 288 (ii) Use of a child in a sexual performance under
289 section 573.200; or
- 290 (jj) Promoting a sexual performance by a child under
291 section 573.205;

292 (3) Any offender who is adjudicated for a crime
293 comparable to a tier I or tier II offense listed in this
294 section or failure to register offense under section
295 589.425, or other comparable out-of-state failure to
296 register offense, who has been or is already required to
297 register as a tier II offender because of having been
298 adjudicated for a tier II offense, two tier I offenses, or
299 combination of a tier I offense and failure to register
300 offense, on a previous occasion;

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

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

313 8.] 11. In addition to the requirements of subsections
314 1 to [7] 5 and 8 to 10 of this section, all Missouri
315 registrants who work, including as a volunteer or unpaid
316 intern, or attend any school whether public or private,
317 including any secondary school, trade school, professional
318 school, or institution of higher education, on a full-time
319 or part-time basis or have a temporary residence in this
320 state shall be required to report in person to the [chief
321 law enforcement officer] **registration official** in the area
322 of the state where they work, including as a volunteer or
323 unpaid intern, or attend any school or training and register

324 in that state. ["Part-time" in this subsection means for
325 more than seven days in any twelve-month period.

326 9.] 12. If a person who is required to register as a
327 sexual offender under sections 589.400 to 589.425 changes or
328 obtains a new online identifier [as defined in section
329 43.651], the person shall report such information in the
330 same manner as a change of residence before using such
331 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.

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

✓