

SECOND REGULAR SESSION

# SENATE BILL NO. 721

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLARICH.

Read 1st time January 14, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3167.02I

## AN ACT

To repeal sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, relating to registration of certain offenders, and to enact in lieu thereof six new sections relating to the same subject.

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

Section A. Sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, are repealed and six new sections enacted in lieu thereof, to be known as sections 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, to read as follows:

[566.617. 1. Except as provided in subsection 3 of this section, the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available to courts, prosecutors and law enforcement agencies.

2. Except as provided in subsection 3 of this section, the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall not be open to inspection by the public or any person, other than a regularly employed peace officer or law enforcement officer.

3. Notwithstanding any provision of law to the contrary, the local law enforcement agency shall provide a complete list of the names and addresses of each offender registered within such agency's jurisdiction as well as the crime for which such offender was convicted to any person upon request.]

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

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

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received a suspended imposition of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received a suspended imposition of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses, **against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age**: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child[, and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age]; or

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

(4) **Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivisions (1) or (2) of this subsection; or**

(5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection.

2. Any person to whom sections 589.400 to 589.425 applies shall, within fourteen days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

589.407. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form shall include, but is not limited to the following:

(1) A statement in writing signed by the person, giving the name, address, social security number and phone number of the person, the place of employment of such person, the crime which requires registration, **whether the person was sentenced as a persistent or predatory**

**offender pursuant to section 588.108, RSMo**, the date [and], place **and a brief description** of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

(2) The fingerprints and a photograph of the person.

589.410. [1.] The chief law enforcement official shall forward the completed offender registration form to the central repository within ten days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

[2. Notwithstanding any provision of law to the contrary, the chief law enforcement official, in accordance with rules promulgated by the department of public safety, shall release the information contained in the registration statement, as provided in subdivision (1) of section 589.407, made by an offender found to be a predatory sexual offender.]

589.414. **1.** If any person required by sections 589.400 to 589.425 to register changes residence or address **within the same county as his previous address**, the person shall inform **the chief law enforcement official**, in writing within fourteen days, **of such new address and phone number, if the phone number is also changed.**

**2.** If any person required by sections 589.400 to 589.425 to register changes residence or address to a different county, the person shall inform **both** the chief law enforcement official with whom the person last registered [of the new address] and the chief law enforcement official of the county having jurisdiction over the new residence or address, **in writing within fourteen days, of such new address and phone number, if the phone number is also changed.**

**3.** Any person required by sections 589.400 to 589.425 to register who officially changes his name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

**4.** In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall contact the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

**(1) Any offender registered as a predatory or persistent offender;**

**(2) Any offender who is registered for a crime where the victim was under age eighteen at the time of the offense; and**

**(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.**

589.417. **1.** Except for the specific information listed in subsection 2 of this section, the **complete** statements[, photographs] and fingerprints required by sections 589.400

to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. [The statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall not be open to inspection by the public or any person, other than a regularly employed peace officer or law enforcement officer.] **Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, including those receiving a suspended imposition of sentence, a complete list of the names, addresses, crimes for which such offenders are registered, brief descriptions of such crimes and photographs of such offenders. Any person may request such list from the chief law enforcement official of such county. The list may be published as a public notice by any newspaper of general circulation in the county.**

589.425. **1.** Any person who is required to register pursuant to sections 589.400 to 589.425 [but] **and:**

**(1) Includes any false information in his registration statement; or**  
**(2) Fails to [do so] register; or**  
**(3) Fails to timely verify registration information pursuant to section 566.614;**  
is guilty of a class A misdemeanor.

**2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.**

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