

SECOND REGULAR SESSION

HOUSE BILL NO. 1534

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3172H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 566.147, RSMo, and to enact in lieu thereof one new section relating to residency restrictions for certain offenders, with penalty provisions.

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

Section A. Section 566.147, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.147, to read as follows:

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; **subdivision (2) of subsection 1 of** section 568.045, endangering the welfare of a child in the first degree; ~~subsection 2 of~~ section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 in section 210.201 that is exempt from state licensure but subject to state regulation under
19 section 210.252 and holds itself out to be a child care facility, where the school or facility is in
20 existence at the time the individual begins to reside at the location. Such person shall also not
21 reside within one thousand feet of the property line of the residence of a former victim of such
22 person.

23 2. If such person has already established a residence and a public school, a private
24 school, or child care facility is subsequently built or placed within one thousand feet of such
25 person's residence, or a former victim subsequently resides on property with a property line
26 within one thousand feet of such person's residence, then such person shall, within one week
27 of the opening of such public school, private school, or child care facility, or the former
28 victim residing on the property, notify the county sheriff where such public school, private
29 school, child care facility, or residence of a former victim is located that he or she is now
30 residing within one thousand feet of such public school, private school, child care facility, or
31 property line of the residence of a former victim, and shall provide verifiable proof to the
32 sheriff that he or she resided there prior to the opening of such public school, private school,
33 or child care facility, or the former victim residing on the property.

34 3. For purposes of this section, "resides" means sleeps in a residence, which may
35 include more than one location and may be mobile or transitory, but shall not include
36 transitory or longer term presence in facilities licensed under chapters 197 and 198 for
37 purposes of receiving care, treatment, or services from such licensed facility.

38 4. For the purposes of ~~the~~ **this** section, one thousand feet shall be measured from the
39 edge of the offender's property nearest the public school, private school, child care facility, or
40 former victim to the nearest edge of the public school, private school, child care facility, or
41 former victim's property.

42 5. Violation of the provisions of subsection 1 of this section is a class E felony except
43 that the second or any subsequent violation is a class B felony. Violation of the provisions of
44 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
45 violation is a class E felony.

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