

SECOND REGULAR SESSION

# HOUSE BILL NO. 1813

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

4260H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 589, RSMo, by adding thereto nine new sections relating to a terrorist offender registry, with penalty provisions.

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

Section A. Chapter 589, RSMo, is amended by adding thereto nine new sections, to be known as sections 589.427, 589.428, 589.429, 589.430, 589.431, 589.432, 589.433, 589.434, and 589.435, to read as follows:

**589.427. 1. Sections 589.427 to 589.435 shall apply to:**

**(1) Any person who has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of:**

**(a) Supporting terrorism under section 576.080; or**

**(b) Engaging in any act of terrorism under Chapter 113B of Title 18 of the United States Code (18 U.S.C. Sections 2331 to 2339D);**

**(2) Any person who has been found not guilty as a result of mental disease or defect of any offense under subdivision (1) of this subsection;**

**(3) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit offenses described under subdivision (1) of this subsection; and**

**(4) Any person who is a resident of this state; who works full- or part-time in this state; who attends an educational institution, whether public or private, including any**

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.

16 secondary school, trade school, professional school, or institution of higher education full-  
17 or part-time; or who has a temporary residence in Missouri and who also:

18 (a) Has been found guilty of or pled guilty or nolo contendere in any other state or  
19 foreign country or under federal, tribal, or military jurisdiction to committing, attempting  
20 to commit, or conspiring to commit an offense that would be a felony violation of any  
21 offense under subdivision (1) of this subsection; or

22 (b) Has been or is required to register for an offense that would be a felony  
23 violation of any offense under subdivision (1) of this subsection in another state or under  
24 tribal, federal, or military law.

25

26 For purposes of this subdivision, "part-time" means for more than seven days in any  
27 twelve-month period.

28 2. Any person to whom sections 589.427 to 589.435 apply shall, within three days  
29 of conviction, release from incarceration, or placement upon probation, register with the  
30 chief law enforcement official of the county or city not within a county in which such  
31 person resides unless such person has already registered in that county for the same  
32 offense. Any person to whom sections 589.427 to 589.435 apply if not currently registered  
33 in his or her county of residence shall register with the chief law enforcement official of  
34 such county or city not within a county within three days. The chief law enforcement  
35 official shall forward a copy of the registration form required by section 589.430 to a city,  
36 town, village, or campus law enforcement agency located within the county of the chief law  
37 enforcement official, if so requested. Such request may ask the chief law enforcement  
38 official to forward copies of all registration forms filed with such official. The chief law  
39 enforcement official may forward a copy of such registration form to any city, town,  
40 village, or campus law enforcement agency, if so requested.

41 3. The registration requirements of sections 589.427 to 589.435 are lifetime  
42 registration requirements unless:

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

44 (2) The registrant is pardoned of the offenses requiring registration;

45 (3) The registrant is no longer required to register, and his or her name is removed  
46 from the registry under subsection 6 of this section; or

47 (4) The registrant may petition the court for removal or exemption from the  
48 registry under subsection 7 or 8 of this section, and the court orders the removal or  
49 exemption of such person from the registry.

50           4. For processing an initial terrorist offender registration, the chief law  
51 enforcement officer of the county or city not within a county may charge the offender  
52 registering a fee of up to ten dollars.

53           5. For processing any change in registration required under section 589.432, the  
54 chief law enforcement official of the county or city not within a county may charge the  
55 person changing his or her registration a fee of five dollars for each change made after the  
56 initial registration.

57           6. (1) The court may grant relief if a registrant demonstrates to the court that he  
58 or she has complied with the provisions of this section and is not a current or potential  
59 threat to public safety. The prosecuting attorney in the circuit court in which the petition  
60 is filed shall be given notice, by the person seeking removal or exemption from the registry,  
61 of the petition to present evidence in opposition to the requested relief or may otherwise  
62 demonstrate the reasons why the petition should be denied. Failure of the person seeking  
63 removal or exemption from the registry to notify the prosecuting attorney of the petition  
64 shall result in an automatic denial of such person's petition. If the prosecuting attorney  
65 is notified of the petition, the prosecuting attorney shall make reasonable efforts to notify  
66 the victim of the offense for which the person was required to register of the petition and  
67 the dates and times of any hearings or other proceedings in connection with that petition.

68           (2) If the petition is denied, such person shall wait at least twelve months before  
69 petitioning the court again. If the court finds that the petitioner is entitled to relief that  
70 removes or exempts the petitioner's name from the registry, a certified copy of the written  
71 findings or order shall be forwarded by the court to the chief law enforcement official  
72 having jurisdiction over the offender and to the Missouri state highway patrol in order to  
73 have such person's name removed or exempted from the registry.

74           7. Any nonresident worker or nonresident student shall register for the duration  
75 of such person's employment or attendance at any school of higher education in this state  
76 and is not entitled to relief under subdivision 2 of subsection 6 of this section. Any  
77 registered offender from another state who has a temporary residence in this state and  
78 resides more than seven days in a twelve-month period shall register for the duration of  
79 such person's temporary residency and shall not be entitled to the provisions of subsection  
80 6 of this section.

81           8. Any person whose name is removed or exempted from the terrorist offender  
82 registry under subdivision 2 of subsection 6 of this section shall no longer be required to  
83 fulfill the registration requirements of sections 589.427 to 589.435 unless such person is  
84 required to register for another offense after being removed from the registry.

2       **589.428.** Any person to whom subsection 1 of section 589.427 applies who is  
3       paroled, discharged, or otherwise released from any correctional facility of the department  
4       of corrections or any mental health institution where such person was confined shall be  
5       informed by the official in charge of such correctional facility or mental health institution  
6       of the person's possible duty to register under sections 589.427 to 589.435. If such person  
7       is required to register under sections 589.427 to 589.435, the official in charge of the  
8       correctional facility or the mental health institution shall complete the initial registration  
9       prior to release and forward the offender's registration, within three business days, to the  
10      chief law enforcement official of the county or city not within a county where the person  
11      expects to reside upon discharge, parole, or release. If the person lists an address where  
12      he or she expects to reside that is not in this state, the initial registration shall be forwarded  
    to the Missouri state highway patrol.

2       **589.429.** Any person to whom subsection 1 of section 589.427 applies who is  
3       released on probation, discharged upon payment of a fine, or released after confinement  
4       in a county jail shall, prior to such release or discharge, be informed of the possible duty  
5       to register under sections 589.427 to 589.435 by the court having jurisdiction over the case.  
6       If such person is required to register under sections 589.427 to 589.435, the court shall  
7       obtain the address where the person expects to reside upon discharge, parole, or release  
8       and shall report, within three business days, such address to the chief law enforcement  
9       official of the county or city not within a county where the person expects to reside upon  
    discharge, parole, or release.

2       **589.430. 1.** Any registration under sections 589.427 to 589.435 shall include an  
3       offender registration form developed by the Missouri state highway patrol. Such form  
4       shall include, but not be limited to:

- 5       (1) A written statement signed by the offender including:
- 6       (a) The offender's name, address or addresses, Social Security number, and phone  
7       number;
  - 8       (b) The license plate number and vehicle description, including the year, make,  
9       model, and color, of each vehicle owned or operated by the offender;
  - 10      (c) Any online identifiers, as defined under section 43.651, used by the offender;
  - 11      (d) The offender's place of employment, if any;
  - 12      (e) Any institution of higher education, if any, in which the offender is enrolled;
  - 13      (f) The offense that requires registration and the date, place, and brief description  
14      of such offense; and
  - 15      (g) The date and place of the conviction or plea of such offense;
- (2) The fingerprints, palm prints, and a photograph of the person; and

16 (3) A DNA sample, if a sample has not already been obtained.

17 2. The offender shall provide positive identification and documentation to  
18 substantiate the accuracy of the information completed on the offender registration form  
19 including, but not limited to:

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

21 (2) A document verifying the offender's residency; and

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

589.431. The chief law enforcement official shall forward a completed offender  
2 registration form to the Missouri state highway patrol within three days. The patrol shall  
3 enter the information into the Missouri uniform law enforcement system (MULES) where  
4 it is available to members of the criminal justice system and to other entities as provided  
5 by law, upon inquiry.

589.432. 1. Any person required under sections 589.427 to 589.435 to register shall,  
2 no later than three business days after each change, appear in person to the chief law  
3 enforcement officer of the county or city not within a county and inform such officer of any  
4 change of name, residence within the county or city not within a county at which the  
5 offender is registered, employment, or student status. The chief law enforcement officer  
6 shall forward the registrant's changes to the Missouri state highway patrol within three  
7 business days.

8 2. (1) If any person required to register under sections 589.427 to 589.435 changes  
9 such person's residence or address to a different county or city not within a county, the  
10 person shall inform both chief law enforcement officials of the counties or city not within  
11 a county that include the former and new residences or addresses in person and in writing  
12 within three business days of such change of address and, if applicable, phone number.

13 (2) If any person required to register under sections 589.427 to 589.435 changes  
14 such person's state of residence, the person shall inform both the chief law enforcement  
15 official of the county or city not within a county that includes the former residence and the  
16 chief law enforcement official of the area in the new state that has jurisdiction over the new  
17 residence in person and in writing within three business days of such change of residence.

18 (3) Upon such notification, the chief law enforcement official of the county or city  
19 not within a county of the person's former residence shall inform the Missouri state  
20 highway patrol of the change within three business days. If the person changes the  
21 person's state of residence, the Missouri state highway patrol shall inform the chief law  
22 enforcement official in the area of the new state of residence within three business days.

23 3. In addition to the requirements of subsections 1 and 2 of this section, any  
24 offender who has pled guilty to or been found guilty under section 589.435 of failing to

25 register or submitting false information when registering shall report in person to the chief  
26 law enforcement agency every ninety days to verify the information contained in his or her  
27 statement required under section 589.430.

28       4. In addition to the requirements of subsections 1 and 2 of this section, all  
29 registrants shall report semiannually in person in the month of their birth and six months  
30 thereafter to the chief law enforcement agency to verify the information contained in their  
31 statement required under section 589.430. All registrants shall allow the chief law  
32 enforcement officer to take a current photograph of the offender in the month of his or her  
33 birth to submit to the chief law enforcement agency.

34       5. In addition to the requirements of subsections 1 and 2 of this section, all Missouri  
35 registrants who work or attend school or training on a full- or part-time basis in any other  
36 state shall be required to report in person to the chief law enforcement officer in the area  
37 of the state where they work or attend school or training and register in that state. For  
38 purposes of this subsection, "part-time" means for more than seven days in any  
39 twelve-month period.

40       6. If a person who is required to register under sections 589.427 to 589.435 changes  
41 or obtains a new online identifier, as defined under section 43.651, the person shall report  
42 such information in the same manner as a change of residence before using such online  
43 identifier.

589.433. 1. Any probation officer or parole officer assigned to a terrorist offender  
2 who is required to register under sections 589.427 to 589.435 shall notify the appropriate  
3 law enforcement officials when the officer has reason to believe that the offender will be  
4 changing his or her residence. Upon obtaining the new address where the offender expects  
5 to reside, the officer shall report such address to both chief law enforcement officials of the  
6 counties or city not within a county that include the former and new addresses, if different.  
7 The officer shall also inform the offender of the offender's duty to register. However,  
8 nothing in this section shall affect the offender's duty to register under sections 589.427 to  
9 589.435.

10       2. As used in this section, the term "probation officer" includes any agent of a  
11 private entity assigned to provide probation supervision services to an offender due to the  
12 offender's status as a terrorist offender who is required to register under sections 589.427  
13 to 589.435.

589.434. If any person who would be required to register under sections 589.427  
2 to 589.435 is temporarily sent outside a correctional facility or a mental health institution  
3 where the person is confined, on any assignment of any nature, the chief law enforcement  
4 official of the county or city not within a county having jurisdiction over the place where

5 the assignment occurs shall be notified by the official in charge of the correctional facility  
6 or mental health institution within a reasonable time prior to the person's removal from  
7 the correctional facility or mental health institution. This section shall not apply to any  
8 person temporarily released under guard from the correctional facility or mental health  
9 institution in which such person is confined.

589.435. 1. A person commits the offense of failing to register as a terrorist  
2 offender if the person is required to register under sections 589.427 to 589.435 and fails to  
3 comply with any requirement of sections 589.427 to 589.435. Failing to register as a  
4 terrorist offender is a class E felony.

5 2. A person commits the offense of failing to register as a terrorist offender as a  
6 second offense if the person fails to comply with any requirement of sections 589.427 to  
7 589.435 and the person previously pled guilty to or has previously been found guilty of  
8 failing to register as a terrorist offender. Failing to register as a terrorist offender as a  
9 second offense is a class E felony.

10 3. (1) A person commits the offense of failing to register as a terrorist offender as  
11 a third offense if the person fails to meet the requirements of sections 589.427 to 589.435  
12 and the person has, on two or more occasions, previously pled guilty to or has previously  
13 been found guilty of failing to register as a terrorist offender. Failing to register as a  
14 terrorist offender as a third offense is a class A felony.

15 (2) No court shall suspend the imposition or execution of sentence of a person who  
16 pleads guilty to or is found guilty of failing to register as a terrorist offender as a third  
17 offense. No court shall sentence such person to pay a fine in lieu of a term of  
18 imprisonment.

19 (3) A person sentenced under this subsection shall not be eligible for conditional  
20 release or parole until he or she has served at least two years of imprisonment.

21 (4) Upon release, an offender who has committed the offense of failing to register  
22 as a terrorist offender as a third offense shall be electronically monitored as a mandatory  
23 condition of supervision. Electronic monitoring may be based on a global positioning  
24 system or any other technology that identifies and records the offender's location at all  
25 times.

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