

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2160

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

3108H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 589.404 and 589.414, RSMo, and to enact in lieu thereof two new sections relating to a sexual offender's duty to report.

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

Section A. Sections 589.404 and 589.414, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 589.404 and 589.414, to read as follows:

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

2 (1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt,
3 plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere
4 to committing, attempting to commit, or conspiring to commit;

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

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

9 (4) "Offender registration", the required minimum informational content of sex
10 offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a
11 standard sex offender registration card upon initial registration in Missouri, as well as all
12 other forms required by the Missouri state highway patrol upon each initial and subsequent
13 registration;

14 (5) "Residence", any place where an offender sleeps for seven or more consecutive or
15 nonconsecutive days or nights within a twelve-month period;

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 (6) "Sex offender", any person who meets the criteria to register under sections
17 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam
18 Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

19 (7) "Sex offense", any offense which is listed under section 589.414 or comparable to
20 those listed under section 589.414 or otherwise comparable to offenses covered under the Sex
21 Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and
22 Safety Act of 2006, P.L. 109-248;

23 (8) "Sexual act", any type or degree of genital, oral, or anal penetration;

24 (9) **"Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual
25 contact;**

26 (10) "Sexual contact", any ~~[sexual touching of or contact with a person's body, either~~
27 ~~directly or through the clothing]~~ **touching of another person with the genitals or any**
28 **touching of the genitals or anus of another person, or the breast of a female person, or**
29 **such touching through the clothing, for the purpose of arousing or gratifying the sexual**
30 **desire of any person or for the purpose of terrorizing the victim;**

31 ~~[(10)]~~ (11) "Sexual element", used for the purposes of distinguishing if sexual contact
32 or a sexual act was committed. Authorities shall refer to information filed by the prosecutor,
33 amended information filed by the prosecutor, indictment information filed by the prosecutor,
34 or amended indictment information filed by the prosecutor, the plea agreement, or court
35 documentation to determine if a sexual element exists;

36 ~~[(11)]~~ (12) "Signature", the name of the offender signed in writing or electronic form
37 approved by the Missouri state highway patrol;

38 ~~[(12)]~~ (13) "Student", an individual who enrolls in or attends the physical location of
39 an educational institution, including a public or private secondary school, trade or
40 professional school, or an institution of higher education;

41 ~~[(13)]~~ (14) "Vehicle", any land vehicle, watercraft, or aircraft.

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

4 (1) Name;

5 (2) Residence;

6 (3) Employment, including status as a volunteer or intern;

7 (4) Student status; or

8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within
10 three business days, notify the chief law enforcement official of the county or city not within
11 a county of any changes to the following information:

- 12 (1) Vehicle information;
13 (2) Temporary lodging information;
14 (3) Temporary residence information;
15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately forward the registration changes described under subsections 1 and 2 of this
21 section to the Missouri state highway patrol within three business days.

22 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the
25 person last registered and the chief law enforcement official of the county or city not within a
26 county having jurisdiction over the new residence or address in writing within three business
27 days of such new address and phone number, if the phone number is also changed. If any
28 person required by sections 589.400 to 589.425 to register changes his or her state, territory,
29 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
30 residence, the person shall appear in person and shall inform both the chief law enforcement
31 official with whom the person was last registered and the chief law enforcement official of the
32 area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal,
33 or military jurisdiction having jurisdiction over the new residence or address within three
34 business days of such new address. Whenever a registrant changes residence, the chief law
35 enforcement official of the county or city not within a county where the person was
36 previously registered shall inform the Missouri state highway patrol of the change within
37 three business days. When the registrant is changing the residence to a new state, territory,
38 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
39 Missouri state highway patrol shall inform the responsible official in the new state, territory,
40 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
41 residence within three business days.

42 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
43 section, shall report in person to the chief law enforcement official annually in the month of
44 their birth to verify the information contained in their statement made pursuant to section
45 589.407. Tier I sexual offenders include:

- 46 (1) Any offender who has been adjudicated for the offense of:
47 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
48 years of age or older;

49 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense
50 and ~~[the punishment is less than one year]~~ **if the offense is a misdemeanor;**

51 (c) Sexual abuse in the second degree under section 566.101 ~~[if the punishment is less~~
52 ~~than a year]~~ **if the offense is a misdemeanor;**

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

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

55 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first
56 degree under section 566.115 ~~[if the punishment is less than one year]~~ **if the offense is a**
57 **misdemeanor;**

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

60 (h) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty**
61 under section 566.145 if the victim is eighteen years of age or older;

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

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

65 (k) Possession of child pornography under section 573.037;

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

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

68 (n) Child molestation in the second degree under section 566.068 as it existed prior to
69 January 1, 2017, if the ~~[punishment is less than one year]~~ **offense is a misdemeanor; ~~or~~**

70 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years
71 of age; **or**

72 **(p) Sexual contact with a student eighteen years of age or older under section**
73 **566.086;**

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

80 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
81 section, shall report semiannually in person in the month of their birth and six months
82 thereafter to the chief law enforcement official to verify the information contained in their
83 statement made pursuant to section 589.407. Tier II sexual offenders include:

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

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

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

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

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

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

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

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

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

97 (i) Patronizing prostitution under section 567.030;

98 (j) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty**
99 under section 566.145 if the victim is thirteen to seventeen years of age;

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

102 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense
103 and ~~[the penalty is a term of imprisonment of more than a year]~~ **if the offense is a felony; [or]**

104 (m) Age misrepresentation with intent to solicit a minor under section 566.153; **or**

105 (n) **Sexual abuse in the first degree under section 566.100 if the victim is thirteen**
106 **to seventeen years of age;**

107 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
108 in this section or failure to register offense under section 589.425 or comparable out-of-state
109 failure to register offense **or a violation of a restriction under section 566.147, 566.148,**
110 **566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I
111 offender due to having been adjudicated of a tier I offense on a previous occasion; or

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

118 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
119 this section, shall report in person to the chief law enforcement official every ninety days to
120 verify the information contained in their statement made under section 589.407. Tier III
121 sexual offenders include:

- 122 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~
123 ~~566.123~~] or a persistent sexual offender as defined in section [~~566.124~~] **566.125**;
- 124 (2) Any offender who has been adjudicated for the crime of:
- 125 (a) Rape in the first degree under section 566.030;
- 126 (b) Statutory rape in the first degree under section 566.032;
- 127 (c) Rape in the second degree under section 566.031;
- 128 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
129 offense is sexual in nature;
- 130 (e) Sodomy in the first degree under section 566.060;
- 131 (f) Statutory sodomy under section 566.062;
- 132 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of
133 age;
- 134 (h) Sodomy in the second degree under section 566.061;
- 135 (i) Sexual misconduct involving a child under section 566.083 if the offense is a
136 second or subsequent offense;
- 137 (j) Sexual abuse in the first degree under section 566.100 if the victim is under
138 thirteen years of age;
- 139 (k) Kidnapping in the first degree under section 565.110 if the victim is under
140 eighteen years of age, excluding kidnapping by a parent or guardian;
- 141 (l) Child kidnapping under section 565.115;
- 142 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
143 degree under section 566.115 [~~if the punishment is greater than a year~~] **if the offense is a**
144 **felony**;
- 145 (n) Incest under section 568.020;
- 146 (o) Endangering the welfare of a child in the first degree under section 568.045 with
147 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 148 (p) Child molestation in the first degree under section 566.067;
- 149 (q) Child molestation in the second degree under section 566.068;
- 150 (r) Child molestation in the third degree under section 566.069 if the victim is under
151 thirteen years of age;
- 152 (s) Promoting prostitution in the first degree under section 567.050 if the victim is
153 under eighteen years of age;
- 154 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
155 under eighteen years of age;
- 156 (u) Promoting prostitution in the third degree under section 567.070 if the victim is
157 under eighteen years of age;

- 158 (v) Promoting travel for prostitution under section 567.085 if the victim is under
159 eighteen years of age;
- 160 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the
161 victim is under eighteen years of age;
- 162 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 163 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 164 (z) Genital mutilation of a female child under section 568.065;
- 165 (aa) Statutory rape in the second degree under section 566.034;
- 166 (bb) Child molestation in the fourth degree under section 566.071 if the victim is
167 under thirteen years of age;
- 168 (cc) Sexual abuse in the second degree under section 566.101 ~~if the penalty is a term~~
169 ~~of imprisonment of more than a year~~ **if the offense is a felony**;
- 170 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
171 offender;
- 172 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
173 victim is under thirteen years of age;
- 174 (ff) Sexual ~~contact with a prisoner or offender~~ **conduct in the course of public**
175 **duty** under section 566.145 if the victim is under thirteen years of age;
- 176 (gg) Sexual ~~intercourse with a prisoner or offender~~ **conduct in the course of public**
177 **duty** under section 566.145;
- 178 (hh) Sexual contact with a student under section 566.086 if the victim is under
179 thirteen years of age;
- 180 (ii) Use of a child in a sexual performance under section 573.200; or
- 181 (jj) Promoting a sexual performance by a child under section 573.205;
- 182 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II
183 offense listed in this section or failure to register offense under section 589.425[;] or other
184 comparable out-of-state failure to register offense[;] **or a violation of a restriction under**
185 **section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426 and** who has been or is
186 already required to register as a tier II offender because of having been adjudicated for a tier II
187 offense, two tier I offenses, or combination of a tier I offense and failure to register offense,
188 on a previous occasion;
- 189 (4) Any offender who is adjudicated in any other state, territory, the District of
190 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
191 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
192 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I
193 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

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

197 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
198 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
199 public or private, including any secondary school, trade school, professional school, or
200 institution of higher education, on a full-time or part-time basis or have a temporary residence
201 in this state shall be required to report in person to the chief law enforcement officer in the
202 area of the state where they work, including as a volunteer or unpaid intern, or attend any
203 school or training and register in that state. "Part-time" in this subsection means for more
204 than seven days in any twelve-month period.

205 9. If a person who is required to register as a sexual offender under sections 589.400
206 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person
207 shall report such information in the same manner as a change of residence before using such
208 online identifier.

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