

FIRST REGULAR SESSION

HOUSE BILL NO. 730

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHILLIPS.

1693H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 589.400 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 589.400 as enacted by house bill no. 62, ninety-fifth general assembly, first regular session, and sections 43.650, 589.402, 589.403, 589.405, 589.407, and 589.414, RSMo, and to enact in lieu thereof nine new sections relating to the state sex offender registry, with penalty provisions.

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

Section A. Section 589.400 as enacted by senate bill no. 491, ninety-seventh general
2 assembly, second regular session, section 589.400 as enacted by house bill no. 62, ninety-fifth
3 general assembly, first regular session, and sections 43.650, 589.402, 589.403, 589.405, 589.407,
4 and 589.414, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as
5 sections 43.650, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, and 589.414,
6 to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet
2 which shall be open to the public and shall include a registered sexual offender search capability.

3 2. **Except as provided in subsections 5 to 7 of this section**, the registered sexual
4 offender search shall make it possible for any person using the internet to search for and find the
5 information specified in subsection 4 of this section, if known, on offenders registered in this
6 state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted
7 of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit
8 sexual offenses shall be included on this website].

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.

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

12 4. Only the information listed in this subsection shall be provided to the public in the
13 registered sexual offender search:

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

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

16 (3) A physical description of the offender;

17 (4) The residence[, temporary, work, and school addresses] **address** of the offender,
18 including the street address, city, county, state, and zip code;

19 (5) Any photographs of the offender;

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

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

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

27 (9) Compliance status of the offender with the provisions of section 589.400 to 589.425;
28 [and]

29 (10) Any online identifiers, as defined in section 43.651, used by the person. Such
30 online identifiers shall not be included in the general profile of an offender on the web page and
31 shall only be available to a member of the public by a search using the specific online identifier
32 to determine if a match exists with a registered offender;

33 **(11) The original and most recent registration date of the offender;**

34 **(12) The status of the offender's term of incarceration, probation, or parole; and**

35 **(13) Whether the offender is a repeat offender due to having multiple adjudications**
36 **for separate offenses requiring registration under sections 589.400 to 589.425.**

37 **5. Information on an offender's temporary, work, and school addresses shall be**
38 **available to any person upon request to the patrol.**

39 **6. Although required to register under sections 589.400 to 589.425, offenders who**
40 **commit felonious restraint under section 565.120 of a nonsexual nature when the victim is**
41 **less than eighteen years of age or kidnapping under section 565.110 of a nonsexual nature**
42 **when the victim is less than eighteen years of age shall be exempt from the public**
43 **notification requirements of this section, if:**

44 **(1) There is no other offense for which the offender is required to register;**

45 **(2) The offender is not a repeat offender as a result of multiple adjudications for**
46 **the offenses listed in this subsection; and**

47 **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
48 **conduct, occurred during the offense.**

49 **7. Witnesses afforded federal protection required to register under sections 589.400**
50 **to 589.425 shall be exempt from public notification under 18 U.S.C. Section 3521, et seq.**
51 **while under active federal protection.**

52 **8. Juveniles required to register under subdivision (5) of subsection 1 of section**
53 **589.400 shall be exempt from public notification to include out-of-state, federal, military,**
54 **tribal, territory, District of Columbia, or foreign country.**

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

2 (1) Any person who[, since July 1, 1979,] has been or is hereafter [convicted of, been
3 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
4 conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and
5 sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the
6 victim is a minor,] **adjudicated for an offense listed in section 589.414**, unless such person is
7 [exempted] **exempt** from registering under subsection 7 or 8 of this section **or section 589.401**;
8 or

9 (2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
10 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
11 to commit one or more of the following offenses: kidnapping or kidnapping in the first degree
12 when the victim was a child and the defendant was not a parent or guardian of the child; abuse
13 of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or
14 kidnapping in the second degree when the victim was a child and the defendant is not a parent
15 or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home
16 or sexual conduct with a nursing facility resident or vulnerable person in the first or second
17 degree; endangering the welfare of a child under section 568.045 when the endangerment is
18 sexual in nature; genital mutilation of a female child, under section 568.065; promoting
19 prostitution in the first degree; promoting prostitution in the second degree; promoting
20 prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in
21 the first degree; promoting child pornography in the second degree; possession of child
22 pornography; furnishing pornographic material to minors; public display of explicit sexual
23 material; coercing acceptance of obscene material; promoting obscenity in the first degree;
24 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
25 sexual performance; or promoting sexual performance by a child; or

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

28 [(4)] (3) Any person who[, since July 1, 1979,] has been found not guilty as a result of
29 mental disease or defect of any offense listed in [subdivision (1) or (2) of this subsection] **section**
30 **589.414**; or

31 [(5)] (4) Any juvenile certified as an adult and transferred to a court of general
32 jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere
33 to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which
34 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which
35 shall include any attempt or conspiracy to commit such offense;] **adjudicated for an offense**
36 **listed in section 589.414**; or

37 [(6)] (5) Any juvenile fourteen years of age or older at the time of the offense who has
38 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse
39 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
40 offense; or

41 [(7)] (6) Any person who is a resident of this state who has[, since July 1, 1979,] **been**
42 or is hereafter [convicted of, been found guilty of, or pled guilty to or nolo contendere]
43 **adjudicated** in any other state, **territory, the District of Columbia**, or foreign country, or under
44 federal, tribal, or military jurisdiction [to committing, attempting to commit, or conspiring to
45 commit] **for** an offense which, if committed in this state, would [be a violation of chapter 566,
46 or a felony violation of any offense listed in subdivision (2)] **constitute an offense listed in**
47 **section 589.414**, of this subsection or has been or is required to register in another state,
48 **territory, the District of Columbia, or foreign country**, or has been or is required to register
49 under tribal, federal, or military law; or

50 [(8)] (7) Any person who has been or is required to register in another state, **territory,**
51 **the District of Columbia, or foreign country**, or has been or is required to register under tribal,
52 federal, or military law and who works or attends an educational institution, whether public or
53 private in nature, including any secondary school, trade school, professional school, or institution
54 of higher education on a full-time or on a part-time basis or has a temporary residence in
55 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
56 period.

57 2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business**
58 days of [conviction] **adjudication**, release from incarceration, or placement upon probation,
59 register with the chief law enforcement official of the county or city not within a county in which
60 such person resides unless such person has already registered in that county for the same offense.
61 **For any juvenile under subdivision (5) of subsection 1 of this section, within three business**

62 **days of adjudication or release from commitment to the division of youth services, the**
63 **department of mental health, or other placement, such juvenile shall register with the chief**
64 **law enforcement official of the county or city not within a county in which he or she resides**
65 **unless he or she has already registered in such county or city not within a county for the**
66 **same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently
67 registered in their county of residence shall register with the chief law enforcement official of
68 such county or city not within a county within three **business** days. The chief law enforcement
69 official shall forward a copy of the registration form required by section 589.407 to a city, town,
70 village, or campus law enforcement agency located within the county of the chief law
71 enforcement official[, if so requested. Such request may ask the chief law enforcement official
72 to forward copies of all registration forms filed with such official. The chief law enforcement
73 official may forward a copy of such registration form to any city, town, village, or campus law
74 enforcement agency, if so requested].

75 3. The registration requirements of sections 589.400 through 589.425 are lifetime
76 registration requirements unless:

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

78 (2) The registrant is pardoned of the offenses requiring registration **in the state of**
79 **Missouri, or if not in the state of Missouri, pardoned in another state, territory, the District**
80 **of Columbia, or foreign country and the pardon explicitly states that the person is relieved**
81 **of his or her duty to register as a sexual offender;**

82 (3) The registrant is no longer required to register and his or her name shall be removed
83 from the registry under the provisions of [subsection 6 of this] section **589.414**; or

84 (4) The [registrant may petition the court for removal or exemption from the registry
85 under subsection 7 or 8 of this section and the] court orders the removal or exemption of such
86 person from the registry **under section 589.401.**

87 4. For processing an initial sex offender registration the chief law enforcement officer
88 of the county or city not within a county may charge the offender registering a fee of up to ten
89 dollars.

90 5. For processing any change in registration required pursuant to section 589.414 the
91 chief law enforcement official of the county or city not within a county may charge the person
92 changing their registration a fee of five dollars for each change made after the initial registration.

93 **6. The following persons shall be exempt from registering as a sexual offender:**

94 Any person currently on the sexual offender registry [for being convicted of, found guilty
95 of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to
96 commit,] **or who otherwise would be required to register for being adjudicated for the**
97 **offense of felonious restraint of a nonsexual nature** when the victim was a child and he or she

98 was the parent or guardian of the child, nonsexual child abuse that was committed under section
99 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was
100 the parent or guardian of the child shall be removed from the registry. However, such person
101 shall remain on the sexual offender registry for any other offense for which he or she is required
102 to register under sections 589.400 to 589.425.

103 **7. The following persons shall be exempt from registering as a sexual offender upon**
104 **petition of the court of jurisdiction under section 589.401; except that, such person shall**
105 **remain on the sexual offender registry for any other offense for which he or she is required**
106 **to register under sections 589.400 to 589.425:**

107 **(1) Any person currently on the sexual offender registry [for having been convicted of,**
108 **found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to**
109 **commit, or conspiring to commit promoting prostitution in the second degree, promoting**
110 **prostitution in the third degree, public display of explicit sexual material, statutory rape in the**
111 **second degree, and no physical force or threat of physical force was used in the commission of**
112 **the crime may file a petition in the civil division of the circuit court in the county in which the**
113 **offender was convicted or found guilty of or pled guilty or nolo contendere to committing,**
114 **attempting to commit, or conspiring to commit the offense or offenses for the removal of his or**
115 **her name from the sexual offender registry after ten years have passed from the date he or she**
116 **was required to register] or who otherwise would be required to register for a sexual offense**
117 **involving:**

118 **(a) Sexual conduct where no force or threat of force was directed toward the victim**
119 **or any other individual involved, if the victim was an adult, unless the adult was under the**
120 **custodial authority of the offender at the time of the offense; or**

121 **(b) Sexual conduct where the victim was at least fourteen years of age and the**
122 **offender was not more than four years older than the victim at the time of the offense; or**

123 **(2) Beginning August 28, 2015, any person currently required to register for the**
124 **following sexual offenses:**

125 **(a) Sexual misconduct in the first degree under section 566.093;**

126 **(b) Sexual misconduct in the second degree under section 566.095;**

127 **(c) Promoting obscenity in the first degree under section 573.020;**

128 **(d) Promoting obscenity in the second degree under section 573.030;**

129 **(e) Furnishing pornographic materials to minors under section 573.040;**

130 **(f) Public display of explicit sexual material under section 573.060;**

131 **(g) Coercing acceptance of obscene material under section 573.065; or**

132 **(h) Sex with an animal under section 566.111.**

133 8. [Effective August 28, 2009,] Any person **currently** on the sexual offender registry for
134 having been [convicted of, found guilty of, or having pled guilty or nolo contendere to an offense
135 included under subsection 1 of this section may file a petition after two years have passed from
136 the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the
137 offense or offenses in the civil division of the circuit court in the county in which the offender
138 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
139 removal of his or her name from the registry if such person was nineteen years of age or younger
140 and the victim was thirteen years of age or older at the time of the offense and no physical force
141 or threat of physical force was used in the commission of the offense, unless such person meets
142 the qualifications of this subsection, and such person was eighteen years of age or younger at the
143 time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a
144 violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor,
145 in which case, such person may immediately file a petition to remove or exempt his or her name
146 from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere
147 to such offense] **adjudicated of a tier I or II or juvenile tier III offense or other comparable**
148 **offense listed in section 589.414 may file a petition under section 589.401.**

149 9. [(1) The court may grant such relief under subsection 7 or 8 of this section if such
150 person demonstrates to the court that he or she has complied with the provisions of this section
151 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
152 court in which the petition is filed must be given notice, by the person seeking removal or
153 exemption from the registry, of the petition to present evidence in opposition to the requested
154 relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of
155 the person seeking removal or exemption from the registry to notify the prosecuting attorney of
156 the petition shall result in an automatic denial of such person's petition. If the prosecuting
157 attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of
158 the crime for which the person was required to register of the petition and the dates and times
159 of any hearings or other proceedings in connection with that petition.

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

166 10.] Any nonresident worker, **including work as a volunteer or intern**, or nonresident
167 student shall register for the duration of such person's employment, **including participation as**
168 **a volunteer or intern**, or attendance at any school of higher education [and is not entitled to

169 relief under the provisions of subsection 9 of this section] **whether public or private, including**
170 **any secondary school, trade school, professional school, or institution of higher education**
171 **on a full-time or part-time basis in this state unless granted relief under section 589.401.**
172 Any registered offender from another state who has a temporary residence in this state and
173 resides more than seven days in a twelve-month period shall register for the duration of such
174 person's temporary residency [and is not entitled to the provisions of subsection 9 of this section]
175 **unless granted relief under section 589.401.**

176 [11. Any person whose name is removed or exempted from the sexual offender registry
177 under subsection 7 or 8 of this section shall no longer be required to fulfill the registration
178 requirements of sections 589.400 to 589.425, unless such person is required to register for
179 committing another offense after being removed from the registry.]

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

2 (1) Any person who[, since July 1, 1979,] has been or is hereafter [convicted of, been
3 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
4 conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and
5 sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the
6 victim is a minor] **adjudicated for an offense listed in section 589.414**, unless such person is
7 [exempted] **exempt** from registering under subsection 7 or 8 of this section **or section 589.401**;
8 or

9 (2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been
10 found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or
11 conspiring to commit one or more of the following offenses: kidnapping when the victim was
12 a child and the defendant was not a parent or guardian of the child; abuse of a child under section
13 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and
14 the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with
15 a resident of a nursing home, under section 565.200; endangering the welfare of a child under
16 section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child,
17 under section 568.065; promoting prostitution in the first degree; promoting prostitution in the
18 second degree; promoting prostitution in the third degree; sexual exploitation of a minor;
19 promoting child pornography in the first degree; promoting child pornography in the second
20 degree; possession of child pornography; furnishing pornographic material to minors; public
21 display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity
22 in the first degree; promoting pornography for minors or obscenity in the second degree; incest;
23 use of a child in a sexual performance; or promoting sexual performance by a child; or

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

26 [(4)] (3) Any person who[, since July 1, 1979,] has been found not guilty as a result of
27 mental disease or defect of any offense listed in [subdivision (1) or (2) of this subsection] **section**
28 **589.414**; or

29 [(5)] (4) Any juvenile certified as an adult and transferred to a court of general
30 jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere
31 to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which
32 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which
33 shall include any attempt or conspiracy to commit such offense;] **adjudicated for an offense**
34 **listed in section 589.414**; or

35 [(6)] (5) Any juvenile fourteen years of age or older at the time of the offense who has
36 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse
37 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such
38 offense; **or**

39 [(7)] (6) Any person who is a resident of this state who has[, since July 1, 1979,] **been**
40 or is hereafter [convicted of, been found guilty of, or pled guilty to or nolo contendere]
41 **adjudicated** in any other state, **territory, the District of Columbia**, or foreign country, or under
42 federal, tribal, or military jurisdiction [to committing, attempting to commit, or conspiring to
43 commit] **for** an offense which, if committed in this state, would [be a violation of chapter 566,
44 or a felony violation of any offense listed in subdivision (2) of this subsection] **constitute an**
45 **offense listed in section 589.414**, or has been or is required to register in another state,
46 **territory, the District of Columbia, or foreign country**, or has been or is required to register
47 under tribal, federal, or military law; or

48 [(8)] (7) Any person who has been or is required to register in another state, **territory,**
49 **the District of Columbia, or foreign country**, or has been or is required to register under tribal,
50 federal, or military law and who works or attends an educational institution, whether public or
51 private in nature, including any secondary school, trade school, professional school, or institution
52 of higher education on a full-time or on a part-time basis or has a temporary residence in
53 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
54 period.

55 2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business**
56 days of [conviction] **adjudication**, release from incarceration, or placement upon probation,
57 register with the chief law enforcement official of the county or city not within a county in which
58 such person resides unless such person has already registered in that county for the same offense.
59 **For any juvenile under subdivision (5) of subsection 1 of this section, within three business**
60 **days of adjudication or release from commitment to the division of youth services, the**
61 **department of mental health, or other placement, such juvenile shall register with the chief**

62 **law enforcement official of the county or city not within a county in which he or she resides**
63 **unless he or she has already registered in such county or city not within a county for the**
64 **same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently
65 registered in [their] **such person's** county of residence shall register with the chief law
66 enforcement official of such county or city not within a county within three **business** days. The
67 chief law enforcement official shall forward a copy of the registration form required by section
68 589.407 to a city, town, village, or campus law enforcement agency located within the county
69 of the chief law enforcement official[, if so requested. Such request may ask the chief law
70 enforcement official to forward copies of all registration forms filed with such official. The chief
71 law enforcement official may forward a copy of such registration form to any city, town, village,
72 or campus law enforcement agency, if so requested].

73 3. The registration requirements of sections 589.400 through 589.425 are lifetime
74 registration requirements unless:

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

76 (2) The registrant is pardoned of the offenses requiring registration **in the state of**
77 **Missouri, or if not in the state of Missouri, pardoned in another state, territory, the District**
78 **of Columbia, or foreign country and the pardon explicitly states that the person is relieved**
79 **of his or her duty to register as a sexual offender;**

80 (3) The registrant is no longer required to register and his or her name shall be removed
81 from the registry under the provisions of [subsection 6 of this] section **589.414**; or

82 (4) The [registrant may petition the court for removal or exemption from the registry
83 under subsection 7 or 8 of this section and the] court orders the removal or exemption of such
84 person from the registry **under section 589.401.**

85 4. For processing an initial sex offender registration the chief law enforcement officer
86 of the county or city not within a county may charge the offender registering a fee of up to ten
87 dollars.

88 5. For processing any change in registration required pursuant to section 589.414 the
89 chief law enforcement official of the county or city not within a county may charge the person
90 changing their registration a fee of five dollars for each change made after the initial registration.

91 6. **The following persons shall be exempt from registering as a sexual offender:**

92 Any person currently on the sexual offender registry [for being convicted of, found guilty
93 of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to
94 commit,] **or who otherwise would be required to register for being adjudicated for the**
95 **offense of felonious restraint of a nonsexual nature** when the victim was a child and he or she
96 was the parent or guardian of the child, nonsexual child abuse that was committed under section
97 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was

98 the parent or guardian of the child shall be removed from the registry. However, such person
99 shall remain on the sexual offender registry for any other offense for which he or she is required
100 to register under sections 589.400 to 589.425.

101 **7. The following persons shall be exempt from registering as a sexual offender upon**
102 **petition of the court of jurisdiction under section 589.401; except that, such person shall**
103 **remain on the sexual offender registry for any other offense for which he or she is required**
104 **to register under sections 589.400 to 589.425:**

105 (1) Any person currently on the sexual offender registry [for having been convicted of,
106 found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to
107 commit, or conspiring to commit promoting prostitution in the second degree, promoting
108 prostitution in the third degree, public display of explicit sexual material, statutory rape in the
109 second degree, and no physical force or threat of physical force was used in the commission of
110 the crime may file a petition in the civil division of the circuit court in the county in which the
111 offender was convicted or found guilty of or pled guilty or nolo contendere to committing,
112 attempting to commit, or conspiring to commit the offense or offenses for the removal of his or
113 her name from the sexual offender registry after ten years have passed from the date he or she
114 was required to register] **or who otherwise would be required to register for a sexual offense**
115 **involving:**

116 (a) **Sexual conduct where no force or threat of force was directed toward the victim**
117 **or any other individual involved, if the victim was an adult, unless the adult was under the**
118 **custodial authority of the offender at the time of the offense; or**

119 (b) **Sexual conduct where the victim was at least fourteen years of age and the**
120 **offender was not more than four years older than the victim at the time of the offense; or**

121 (2) **Beginning August 28, 2015, any person currently required to register for the**
122 **following sexual offenses:**

123 (a) **Sexual misconduct in the first degree under section 566.093;**

124 (b) **Sexual misconduct in the second degree under section 566.095;**

125 (c) **Promoting obscenity in the first degree under section 573.020;**

126 (d) **Promoting obscenity in the second degree under section 573.030;**

127 (e) **Furnishing pornographic materials to minors under section 573.040;**

128 (f) **Public display of explicit sexual material under section 573.060;**

129 (g) **Coercing acceptance of obscene material under section 573.065; or**

130 (h) **Unlawful sex with an animal under section 566.111.**

131 8. [Effective August 28, 2009,] Any person **currently** on the sexual offender registry for
132 having been [convicted of, found guilty of, or having pled guilty or nolo contendere to an offense
133 included under subsection 1 of this section may file a petition after two years have passed from

134 the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the
135 offense or offenses in the civil division of the circuit court in the county in which the offender
136 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
137 removal of his or her name from the registry if such person was nineteen years of age or younger
138 and the victim was thirteen years of age or older at the time of the offense and no physical force
139 or threat of physical force was used in the commission of the offense, unless such person meets
140 the qualifications of this subsection, and such person was eighteen years of age or younger at the
141 time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a
142 violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor,
143 in which case, such person may immediately file a petition to remove or exempt his or her name
144 from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere
145 to such offense] **adjudicated of a tier I, II, or juvenile tier III offense or other comparable**
146 **offense listed in section 589.414 may file a petition under section 589.401.**

147 9. [(1) The court may grant such relief under subsection 7 or 8 of this section if such
148 person demonstrates to the court that he or she has complied with the provisions of this section
149 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
150 court in which the petition is filed must be given notice, by the person seeking removal or
151 exemption from the registry, of the petition to present evidence in opposition to the requested
152 relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of
153 the person seeking removal or exemption from the registry to notify the prosecuting attorney of
154 the petition shall result in an automatic denial of such person's petition. If the prosecuting
155 attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of
156 the crime for which the person was required to register of the petition and the dates and times
157 of any hearings or other proceedings in connection with that petition.

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

164 10.] Any nonresident worker, **including work as a volunteer or intern**, or nonresident
165 student shall register for the duration of such person's employment [and is not entitled to relief
166 under the provisions of subsection 9 of this section] , **including participation as a volunteer**
167 **or intern**, or attendance at any school of higher education **whether public or private, including**
168 **any secondary school, trade school, professional school, or institution of higher education**
169 **on a full-time or part-time basis in this state unless granted relief under section 589.401.**

170 Any registered offender from another state who has a temporary residence in this state and
171 resides more than seven days in a twelve-month period shall register for the duration of such
172 person's temporary residency [and is not entitled to the provisions of subsection 9 of this section]
173 **unless granted relief under section 589.401.**

174 [11. Any person whose name is removed or exempted from the sexual offender registry
175 under subsection 7 or 8 of this section shall no longer be required to fulfill the registration
176 requirements of sections 589.400 to 589.425, unless such person is required to register for
177 committing another offense after being removed from the registry.]

**589.401. 1. A person on the sexual offender registry may file a petition in the
2 division of the circuit court in the county in which the offense requiring registration was
3 adjudicated to have his or her name removed from the sexual offender registry.**

**4 2. A person who is required to register in this state because of an adjudication that
5 was committed in another jurisdiction shall file his or her petition for removal according
6 to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia,
7 or foreign country in which their offense was adjudicated. Upon the grant of the petition
8 for removal in the jurisdiction where the offense was adjudicated, such judgment may be
9 registered in this state by sending the information required in subsection 5 of this section
10 as well as one authenticated copy of the order granting removal from the sexual offender
11 registry in the jurisdiction where the offense was adjudicated to the court in the county in
12 which the offender is required to register. On receipt of a request for registration removal,
13 the registering court shall cause the order to be filed as a foreign judgment, together with
14 one copy of the documents and information, regardless of their form. The petitioner shall
15 be responsible for costs associated with filing the petition.**

**16 3. A person required to register as a tier III offender shall not file a petition under
17 this section unless the requirement to register results from a juvenile adjudication.**

**18 4. The petition shall be dismissed without prejudice if the following time periods
19 have not elapsed since the date the person was required to register for his or her most
20 recent offense under sections 589.400 to 589.425:**

21 (1) For a tier I offense, ten years;

22 (2) For a tier II offense, twenty-five years;

23 (3) For a tier III offense adjudicated as a juvenile, twenty-five years.

**24 5. The petition shall be dismissed without prejudice if it fails to include any of the
25 following:**

26 (1) The petitioner's:

27 (a) Full name;

28 (b) Sex;

- 29 (c) Race;
- 30 (d) Date of birth;
- 31 (e) Last four digits of the Social Security number;
- 32 (f) Address;
- 33 (g) Place of employment, school, or volunteer status;
- 34 (2) The offense and tier of the offense that required the petitioner to register;
- 35 (3) The date the petitioner pled to, was convicted of, or was adjudicated for the
- 36 offense;
- 37 (4) The date the petitioner was required to register;
- 38 (5) The case number and court, including county, that entered the original order
- 39 for the adjudicated sex offense;
- 40 (6) Petitioner's fingerprints on an applicant fingerprint card;
- 41 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
- 42 vacated, or set aside, an authenticated copy of the order; and
- 43 (8) If the petitioner is currently registered under applicable law and has not been
- 44 adjudicated for failure to register in any jurisdiction and does not have any charges
- 45 pending for failure to register.
- 46 6. The petition shall name as respondents the Missouri state highway patrol and
- 47 the chief law enforcement official in the county or city not within a county in which the
- 48 petition is filed.
- 49 7. All proceedings under this section shall be governed under the Missouri supreme
- 50 court rules of civil procedure.
- 51 8. The person seeking removal or exemption from the registry shall provide the
- 52 prosecuting attorney in the circuit court in which the petition is filed with notice of the
- 53 petition to present evidence in opposition to the requested relief or may otherwise
- 54 demonstrate the reasons why the petition should be denied. Failure of the person seeking
- 55 removal or exemption from the registry to notify the prosecuting attorney of the petition
- 56 shall result in an automatic denial of such person's petition.
- 57 9. The prosecuting attorney in the circuit court in which the petition is filed shall
- 58 have access to all applicable records concerning the petitioner, including but not limited
- 59 to criminal history records, mental health records, juvenile records, and records of the
- 60 department of corrections or probation and parole.
- 61 10. The prosecuting attorney shall make reasonable efforts to notify the victim of
- 62 the crime for which the person was required to register of the petition and the dates and
- 63 times of any hearings or other proceedings in connection with such petition.

64 **11. The court shall not enter an order directing the removal of the petitioner's name**
65 **from the sexual offender registry unless it finds the petitioner:**

66 **(1) Has not been adjudicated of or has charges pending for any additional**
67 **nonsexual offense for which imprisonment for more than one year may be imposed since**
68 **the date that the offender was required to register for his or her current tier level;**

69 **(2) Has not been adjudicated of or have charges pending for any additional sex**
70 **offense that would require registration under sections 589.400 to 589.425 since the date**
71 **that the offender was required to register for his or her current tier level, even if the**
72 **offense was punishable by less than one year imprisonment;**

73 **(3) Has successfully completed any required periods of supervised release,**
74 **probation, or parole without revocation since the date that the offender was required to**
75 **register for his or her current tier level;**

76 **(4) Has successfully completed an appropriate sex offender treatment program as**
77 **approved by a court of jurisdiction or the Missouri department of corrections; and**

78 **(5) Is not a current or potential threat to public safety.**

79 **12. In order to meet the criteria required by subdivisions (1) and (2) of subsection**
80 **11 of this section, the fingerprints filed in the case shall be examined by the Missouri state**
81 **highway patrol. The petitioner will be responsible for all costs associated with the**
82 **fingerprint based criminal history check of both state and federal files under section**
83 **43.530.**

84 **13. If the petition is denied due to an adjudication in violation of subdivision (1) or**
85 **(2) of subsection 11 of this section, the petitioner shall not file a new petition under this**
86 **section until:**

87 **(1) Ten years have passed from the date of the adjudication resulting in the denial**
88 **of relief if the petitioner is classified as a tier I offender;**

89 **(2) Twenty-five years have passed from the date of adjudication resulting in the**
90 **denial of relief if the petitioner is classified as a tier II offender; or**

91 **(3) Twenty-five years have passed from the date of the adjudication resulting in the**
92 **denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile**
93 **adjudication.**

94 **14. If the petition is denied due to the petitioner having charges pending in violation**
95 **of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new**
96 **petition under this section until:**

97 **(1) The pending charges resulting in the denial of relief have been finally disposed**
98 **of in a manner other than adjudication as defined under section 589.404; or**

99 **(2) If the pending charges result in an adjudication, the necessary time period has**
100 **elapsed under subsection 13 of this section.**

101 **15. If the petition is denied for reasons other than those outlined in subsection 11**
102 **of this section, no successive petition requesting such relief shall be filed for at least five**
103 **years from the date the judgment denying relief is entered.**

104 **16. If the court finds that the petitioner is entitled to have his or her name removed**
105 **from the sexual offender registry, the court shall enter judgment directing the removal of**
106 **the name. A copy of the judgment shall be provided to the respondents named in the**
107 **petition.**

108 **17. Any person subject to judgment requiring his or her name to be removed from**
109 **the sexual offender registry is not required to register under sections 589.400 to 589.425**
110 **unless such person is required to register for an offense that was different from that listed**
111 **on the judgment of removal.**

112 **18. The court may deny the petition for any legitimate legal justification.**

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

4 **2. Except as provided in subsections 5 and 6 of this section,** the registered sexual
5 offender search [shall] **may** make it possible for any person using the internet to search for and
6 find the information specified in subsection 3 of this section, if known, on offenders registered
7 in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been
8 convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring
9 to commit sexual offenses shall be included on this website].

10 **3. Only the information listed in this subsection [shall] may** be provided to the public
11 in the registered sexual offender search:

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

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

14 (3) A physical description of the offender;

15 (4) The residence[, temporary, work, and school addresses] **address** of the offender,
16 including the street address, city, county, state, and zip code;

17 (5) Any photographs of the offender;

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

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

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

25 (9) Compliance status of the offender with the provisions of sections 589.400 to
26 589.425; [and]

27 (10) Any online identifiers, as defined in section 43.651, used by the person. Such
28 online identifiers shall not be included in the general profile of an offender on the web page and
29 shall only be available to a member of the public by a search using the specific online identifier
30 to determine if a match exists with a registered offender;

31 **(11) The original registration date and most recent registration date of the**
32 **offender;**

33 **(12) The status of the offender's term of incarceration, probation, or parole; and**

34 **(13) Whether the offender is a repeat offender due to having multiple adjudications**
35 **for separate offenses requiring registration under sections 589.400 to 589.425.**

36 **4. Information on an offender's temporary, work, and school addresses shall be**
37 **available to any person upon request to the chief law enforcement officer of the county or**
38 **city not within a county.**

39 [4.] **5. The chief law enforcement officer of any county or city not within a county may**
40 **publish in any newspaper distributed in the county or city not within a county the sexual offender**
41 **information provided under subsection 3 of this section for any offender residing in the county**
42 **or city not within a county.**

43 **6. Although required to register under sections 589.400 to 589.425, offenders**
44 **committing felonious restraint under section 565.120 until December 31, 2016 of a**
45 **nonsexual nature when the victim is less than eighteen years of age, kidnapping in the**
46 **second degree beginning January 1, 2017 of a nonsexual nature when the victim is less than**
47 **eighteen years of age, or kidnapping under section 565.110 of a nonsexual nature when the**
48 **victim is less than eighteen years of age shall be exempt from the public notification**
49 **requirements of this section if:**

50 **(1) There is no other offense for which the offender is required to register;**

51 **(2) The offender is not a repeat offender as a result of multiple adjudications for**
52 **the offenses listed in this subsection; and**

53 **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
54 **conduct, occurred during the offense.**

55 **7. Witnesses afforded federal protection required to register under sections 589.400**
56 **to 589.425 shall be exempt from public notification under 18 U.S.C. Section 3521, et seq.**
57 **while under active federal protection.**

58 **8. Juveniles required to register under subdivision (5) of subsection 1 of section**
59 **589.400 shall be exempt from public notification to include out-of-state, federal, military,**
60 **tribal, territory, District of Columbia, or foreign country.**

 589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**
2 **required to register under sections 589.400 to 589.425 and** who is paroled, discharged, or
3 otherwise released from any correctional facility of the department of corrections [or] , any
4 mental health institution, **private jail under section 221.095, or other private facility**
5 **recognized by or contracted with the department of corrections or department of mental**
6 **health** where such person was confined shall:

7 **(1) If the person plans to reside in this state,** be informed by the official in charge of
8 such correctional facility, **private jail,** or mental health institution of the person's possible duty
9 to register pursuant to sections 589.400 to 589.425. If such person is required to register
10 pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, **private**
11 **jail,** or the mental health institution shall complete the initial registration **notification at least**
12 **seven days** prior to release and forward the offender's registration, within three business days
13 **of release, to the Missouri state highway patrol and** the chief law enforcement official of the
14 county or city not within a county where the person expects to reside upon discharge, parole or
15 release]. When the person lists an address where he or she expects to reside that is not in this
16 state, the initial registration shall be forwarded to the Missouri state highway patrol.] ;

17 **(2) If the person does not reside or plan to reside in Missouri, be informed by the**
18 **official in charge of such correctional facility, private jail, or mental health institution of**
19 **the person's possible duty to register under sections 589.400 to 589.425. If such person is**
20 **required to register under sections 589.400 to 589.425, the official in charge of the**
21 **correctional facility, private jail, or the mental health institution shall complete the initial**
22 **registration notification at least seven days prior to release and forward the offender's**
23 **registration within three business days of release to the Missouri state highway patrol and**
24 **chief law enforcement official within the county or city not within a county that the**
25 **correctional facility, private jail, or mental health institution is located.**

26 **2. If the offender refuses to complete and sign the registration information as**
27 **outlined in this section or fails to register with the chief law enforcement official within**
28 **three business days as directed, the offender commits the offense of failure to register**
29 **under section 589.425 within the jurisdiction that the correctional facility, private jail, or**
30 **mental health institution is located.**

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

2 **(1) "Absconder", a sex offender who has failed to register and whose whereabouts**
3 **are unknown;**

4 (2) "Adjudication", a finding of guilt, plea of guilt, finding of not guilty due to
5 mental disease or defect, or plea of nolo contendere to committing, attempting to commit,
6 or conspiring to commit;

7 (3) "Chief law enforcement official" or "CLEO", the sheriff's office of each county
8 or the police department of the City of St. Louis;

9 (4) "Employee", includes an individual who is self-employed or works for any other
10 entity, whether compensated or not. Employee includes working as a volunteer or unpaid
11 intern;

12 (5) "Habitually lives", when an offender is classified as homeless, the place where
13 the offender lives is defined as information about a certain part of a city, town, or county
14 that is the sex offender's habitual locale, a park, or spot on the street, or a number of such
15 places, where the sex offender stations himself or herself during the day or sleeps at night,
16 shelters among which the sex offender circulates, or places in public buildings, restaurants,
17 libraries, or other establishments that the sex offender frequents;

18 (6) "Habitually located", in regard to means of transportation, the place where a
19 vehicle, watercraft, or aircraft is normally located when not in use;

20 (7) "Noncompliant", a sexual offender who has not completed or updated his or her
21 information and is not compliant with the chief law enforcement officer in the county or
22 city not within a county in which he or she resides;

23 (8) "Offender registration", the required minimum informational content of sex
24 offender registries, which shall consist of but not be limited to a full set of fingerprints on
25 a standard sex offender registration card upon initial registration in Missouri, as well as
26 all other forms required by the Missouri state highway patrol upon each initial and
27 subsequent registration;

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

30 (10) "Sex offender", any person who meets the criteria to register under sections
31 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the
32 Adam Walsh Child Protection and Safety Act of 2006, Public Law 248-109;

33 (11) "Sex offense", any offense which is listed in section 589.414 or comparable to
34 those listed in section 589.414 or otherwise comparable to offenses covered under the Sex
35 Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection
36 and Safety Act of 2006, Public Law 109-248;

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

38 (13) "Sexual contact", any sexual touching of or contact with a person's body,
39 either directly or through the clothing;

40 **(14) "Sexual element", used for the purposes of distinguishing if sexual contact or**
41 **a sexual act was committed. Authorities shall refer to information filed by the prosecutor,**
42 **amended information filed by the prosecutor, indictment information filed by the**
43 **prosecutor, or amended indictment information filed by the prosecutor, plea agreement,**
44 **or court documentation to determine if a sexual element exists;**

45 **(15) "Signature", the name of the offender signed in writing or electronic form**
46 **approved by the Missouri state highway patrol;**

47 **(16) "Student", an individual who enrolls in or attends the physical location of an**
48 **educational institution, including, whether public or private, a secondary school, trade or**
49 **professional school, and institutions of higher education;**

50 **(17) "Vehicle", any land vehicle, watercraft, or aircraft.**

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

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

18 **(2) If the offender does not reside in Missouri, the court shall:**

19 **(a) Order the offender to proceed directly to the chief law enforcement official in**
20 **the county or city not within a county where the adjudication was heard to register as**
21 **outlined in sections 589.400 to 589.425; and**

22 **(b) Complete the initial notification of duty to register form approved by the state**
23 **judicial records committee and Missouri state highway patrol and forward the form within**
24 **three business days to the Missouri state highway patrol and the chief law enforcement**
25 **official in the county or city not within a county where the offender was adjudicated.**

26 **2. If the offender refuses to complete and sign the registration information as**
27 **outlined in subsection 1 of this section or if an offender who resides outside of Missouri**
28 **refuses to directly report to the chief law enforcement official or to complete and sign the**
29 **registration information as outlined in subsection 1 of this section, the offender commits**
30 **the offense of failure to register under section 589.425.**

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

6 (1) A statement in writing signed by the person, giving the name, address, Social
7 Security number and phone number of the person, the license plate number and vehicle
8 description, including the year, make, model, and color of each vehicle owned or operated by the
9 offender, any online identifiers, as defined in section 43.651, used by the person, the place of
10 employment of such person, enrollment within any institutions of higher education, the crime
11 which requires registration, whether the person was sentenced as a persistent or predatory
12 offender pursuant to section 558.018, the date, place, and a brief description of such crime, the
13 date and place of the conviction or plea regarding such crime, the age and gender of the victim
14 at the time of the offense and whether the person successfully completed the Missouri sexual
15 offender program pursuant to section 589.040, if applicable;

16 (2) (a) **The full name of the individual, including any alias, maiden, nicknames,**
17 **pseudonym, ethnic or tribal names used, regardless of the context in which they are used;**

18 (b) **The date of birth and place of birth of the individual, including any alias date**
19 **of births used;**

20 (c) **The address of the individual's residences or, if the individual is deemed**
21 **homeless under section 589.414, the names and addresses of habitual locales frequented**
22 **during the day and night to include any temporary homeless shelter or other temporary**
23 **residence;**

24 (d) **The name and fixed address of the individual's employers, including any place**
25 **where the individual serves as a volunteer or unpaid intern. If the individual's place of**
26 **employment is not fixed, the places where the individual works with whatever definiteness**
27 **is possible under the circumstances shall be required, such as information about normal**
28 **travel routes or the general areas in which the individual works;**

29 (e) **The name and address of any institutions of higher education that the individual**
30 **attends;**

31 **(f) The Social Security number of the individual, including any alias Social Security**
32 **numbers used;**

33 **(g) The telephone numbers of the individual, including all landline and cellular**
34 **telephone numbers used, and also including any new forms of electronic communication;**

35 **(h) The license plate number, registration number, vehicle identification number,**
36 **and vehicle description, including the year, make, model, color, and habitual location of**
37 **each vehicle owned or operated by the individual for personal or work use to also include**
38 **any aircraft owned or operated by the individual;**

39 **(i) The color, length, hull type, year, propulsion type, make, model, hull shape,**
40 **registration number, registration state, registration year, boat hull number, coast guard**
41 **number, and habitual location of each watercraft owned or operated by the individual;**

42 **(j) Any online identifiers used by the individual as defined in section 43.651;**

43 **(k) The crime for which the individual is registering, including whether the person**
44 **was sentenced as a persistent or predatory offender under section 558.018;**

45 **(l) The date, place, a brief description of the crime, including the date and place of**
46 **the adjudication regarding such crime;**

47 **(m) The age and gender of the victim at the time of the offense;**

48 **(n) The date the individual successfully completed the Missouri sexual offender**
49 **program under section 589.040 or that the program was not successfully completed;**

50 **(o) The status of the individual's parole, probation, or supervised release, if**
51 **applicable;**

52 **(p) Any temporary lodging information pertaining to travel out of the individual's**
53 **current jurisdiction for seven or more days over a twelve-month period, including start**
54 **and end dates of such lodging. If the temporary lodging is international in nature, the**
55 **offender shall notify the chief law enforcement official of the county or city not within a**
56 **county at least twenty-one days in advance of such travel; except that, certain exceptions**
57 **to the twenty-one day requirement may be made at the discretion of the registration**
58 **official;**

59 **(q) Passport and immigration numbers, including expiration dates;**

60 **(r) Professional license numbers, including expiration dates; and**

61 **(s) The physical description of the sex offender, including the physical appearance**
62 **or characteristics, and identifying marks such as scars, marks, or tattoos.**

63 **(2) The following shall be included with the form:**

64 **(a) Copies of all of the individual's passport or immigration documents;**

65 **(b) Copies of all professional licenses that the individual holds;**

66 (c) The fingerprints, palm prints, and a **current** photograph of the person **to be taken**
67 **by the registering official**; and

68 [(3)] (d) A DNA sample **from the individual**, if a sample has not already been obtained.

69 2. The offender shall provide positive identification and documentation to substantiate
70 the accuracy of the information completed on the offender registration form, including but not
71 limited to the following:

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

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

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

75 **3. The Missouri state highway patrol shall maintain all required registration**
76 **information in digitized form.**

77 **4. Upon receipt of any changes to an offender's registration information contained**
78 **in this section, the Missouri state highway patrol shall immediately notify all other**
79 **jurisdictions in which the offender is either registered or required to register.**

80 **5. The offender shall be responsible for reviewing his or her existing registration**
81 **information for accuracy at every regular in-person appearance and if any inaccuracies**
82 **are found provide proof of the information in question.**

83 **6. The signed offender registration form shall serve as proof that the individual**
84 **understands his or her duty to register as a sexual offender under sections 589.400 to**
85 **589.425 and a statement to this effect will be included on the form that the individual is**
86 **required to sign at each registration.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not
2 later than three business days [after each change of name, residence within the county or city not
3 within a county at which the offender is registered, employment, or student status], appear in
4 person to the chief law enforcement officer of the county or city not within a county [and inform
5 such officer of all changes in the information required by the offender. The chief law
6 enforcement officer shall immediately forward the registrant changes to the Missouri state
7 highway patrol within three business days] **if there is a change to any of the following**
8 **information:**

9 (1) **Name;**

10 (2) **Residence;**

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

12 (4) **Student status; or**

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

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

17 **(1) Vehicle information;**

18 **(2) Temporary lodging information;**

19 **(3) Temporary residence information;**

20 **(4) E-mail addresses, instant messaging addresses, and any other designations used**
21 **in internet communications, postings, or telephone communications;**

22 **(5) Telephone or other cellular number, including any new forms of electronic**
23 **communication.**

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

27 [2.] **4. If any person required by sections 589.400 to 589.425 to register changes such**
28 **person's residence or address to a different county or city not within a county, the person shall**
29 **appear in person and shall inform both the chief law enforcement official with whom the person**
30 **last registered and the chief law enforcement official of the county or city not within a county**
31 **having jurisdiction over the new residence or address in writing within three business days of**
32 **such new address and phone number, if the phone number is also changed. If any person**
33 **required by sections 589.400 to 589.425 to register changes [their state] his or her state, foreign**
34 **country, or federal, tribal, or military jurisdiction of residence, the person shall appear in**
35 **person and shall inform both the chief law enforcement official with whom the person was last**
36 **registered and the chief law enforcement official of the area in the new state, foreign country,**
37 **or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address**
38 **within three business days of such new address. Whenever a registrant changes residence, the**
39 **chief law enforcement official of the county or city not within a county where the person was**
40 **previously registered shall inform the Missouri state highway patrol of the change within three**
41 **business days. When the registrant is changing the residence to a new state, foreign country,**
42 **or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the**
43 **responsible official in the new state, foreign country, or federal, tribal, or military**
44 **jurisdiction of residence within three business days.**

45 [3.] **5. Tier I sexual offenders, in addition to the requirements of subsections 1 [and 2]**
46 **to 4 of this section, [the following offenders] shall report in person to the chief law enforcement**
47 **[agency every ninety days] official annually in the month of their birth to verify the**
48 **information contained in their statement made pursuant to section 589.407. Tier I sexual**
49 **offenders include:**

50 (1) Any offender [registered as a predatory or persistent sexual offender under the
51 definitions found in section 558.018] **who has been adjudicated for the crime of:**

52 (a) **Felonious restraint, prior to January 1, 2017, or kidnapping in the second**
53 **degree, beginning January 1, 2017, under section 565.120 with sexual motivation;**

54 (b) **Sexual contact or intercourse under section 565.200 prior to January 1, 2017,**
55 **or section 566.116 beginning January 1, 2017, with a skilled nursing facility resident;**

56 (c) **Invasion of privacy under section 565.252;**

57 (d) **Invasion of privacy in the second degree under section 565.253;**

58 (e) **Sexual abuse in the second degree under section 566.101;**

59 (f) **Sexual contact with prisoner or offender under section 566.145;**

60 (g) **Age misrepresentation under section 566.153; or**

61 (h) **Endangering the welfare of a child in the second degree under section 568.050**
62 **of a sexual nature where the victim is fourteen to seventeen years of age;**

63 (2) [Any offender who is registered for a crime where the victim was less than eighteen
64 years of age at the time of the offense; and

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

67 4.] **Any offender who is or has been adjudicated in any other state, territory, the**
68 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**
69 **of an offense of a sexual nature or with a sexual element that is comparable to the tier I**
70 **sexual offenses listed in this subsection or, if not comparable to those in this subsection,**
71 **comparable to those described as tier I offenses pursuant to the Sex Offender Registration**
72 **and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006,**
73 **Public Law 109-248.**

74 6. **Tier II sexual offenders**, in addition to the requirements of subsections 1 [and 2] to
75 4 of this section, [all registrants] shall report semiannually in person in the month of their birth
76 and six months thereafter to the chief law enforcement [agency] **official** to verify the information
77 contained in their statement made pursuant to section 589.407. [All registrants shall allow the
78 chief law enforcement officer to take a current photograph of the offender in the month of his
79 or her birth to the chief law enforcement agency] **Tier II sexual offenders include:**

80 (1) **Any offender who has been adjudicated for the crime of:**

81 (a) **Statutory rape in the second degree under section 566.034;**

82 (b) **Statutory sodomy in the second degree under section 566.064;**

83 (c) **Child molestation in the first degree under section 566.067 where the victim is**
84 **fourteen to seventeen years of age;**

- 85 **(d) Child molestation in the second degree under section 566.068 where the victim**
86 **is fourteen to seventeen years of age;**
- 87 **(e) Sexual misconduct involving a child under section 566.083;**
- 88 **(f) Sexual contact with a student while on public school property under section**
89 **566.086 when the victim is fourteen to seventeen years of age;**
- 90 **(g) Sexual abuse in the first degree under section 566.100 when the victim is**
91 **fourteen years of age or older;**
- 92 **(h) Enticement of a child under section 566.151;**
- 93 **(i) Trafficking for the purpose of sexual exploitation under section 566.209;**
- 94 **(j) Sexual trafficking of a child under section 566.213 prior to January 1, 2017 or**
95 **section 566.210 beginning January 1, 2017, when the victim is less than fourteen years of**
96 **age;**
- 97 **(k) Promoting prostitution in the second degree under section 567.060 when the**
98 **victim is less than eighteen years of age;**
- 99 **(l) Promoting prostitution in the third degree under section 567.070 when the victim**
100 **is less than eighteen years of age;**
- 101 **(m) Endangering the welfare of a child in the first degree under section 568.045**
102 **with sexual conduct or sexual contact with a victim fourteen to seventeen years of age;**
- 103 **(n) Endangering the welfare of a child in the second degree under section 568.050**
104 **of a sexual nature when the victim is less than thirteen years of age;**
- 105 **(o) Abuse of a child under section 568.060 of a sexual nature;**
- 106 **(p) Genital mutilation of a female child under section 568.065;**
- 107 **(q) Child used in sexual performance under section 568.080 prior to January 1,**
108 **2017 or section 573.200 beginning January 1, 2017;**
- 109 **(r) Promoting sexual performance by a child under section 568.090 prior to**
110 **January 1, 2017 or section 573.205 beginning January 1, 2017;**
- 111 **(s) Sexual exploitation of a minor under section 573.023;**
- 112 **(t) Promoting child pornography in the first degree under section 573.025;**
- 113 **(u) Promoting child pornography in the second degree under section 573.035; or**
- 114 **(v) Possession of child pornography under section 573.037;**
- 115 **(2) Any person who is adjudicated of a crime comparable to a tier I offense listed**
116 **in this section or failure to register offense under section 589.425 or comparable out-of-**
117 **state failure to register offense and who is already required to register as a tier I offender**
118 **due to having been adjudicated of a tier I offense on a previous occasion; or**
- 119 **(3) Any person who is or has been adjudicated in any other state, territory, the**
120 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**

121 for an offense of a sexual nature or with a sexual element that is comparable to the tier II
122 sexual offenses listed in this subsection or, if not comparable to those in this subsection,
123 comparable to those described as tier II offenses under the Sex Offender Registration and
124 Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public
125 Law 109-248.

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

130 (1) Any offender registered as a predatory or persistent sexual offender under the
131 definitions found in section 558.018 prior to January 1, 2017 or section 566.125 beginning
132 January 1, 2017;

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

134 (a) Kidnapping in the first degree under section 565.110 where the victim is less
135 than eighteen years of age, excluding kidnapping by a parent or guardian;

136 (b) Child kidnapping under section 565.115;

137 (c) Rape in the first degree under section 566.030;

138 (d) Statutory rape in the first degree under section 566.032;

139 (e) Rape in the second degree under section 566.031;

140 (f) Sodomy in the first degree under section 566.060;

141 (g) Sodomy in the second degree under section 566.061;

142 (h) Statutory sodomy under section 566.062;

143 (i) Child molestation in the first degree under section 566.067 where the victim is
144 less than fourteen years of age;

145 (j) Sexual contact with a student while on public school property under section
146 566.086 where the victim is less than fourteen years of age;

147 (k) Sexual abuse in the first degree under section 566.100 where the victim is less
148 than fourteen years of age;

149 (l) Sexual trafficking of a child under section 566.212 prior to January 1, 2017 and
150 sexual trafficking of a child in the second degree under section 566.211 beginning January
151 1, 2017;

152 (m) Sexual trafficking of a child under the age of twelve, under section 566.213
153 prior to January 1, 2017 and sexual trafficking of a child in the first degree under section
154 566.210 beginning January 1, 2017;

155 (n) Promoting prostitution in the first degree under section 567.050 where the
156 victim is less than eighteen years of age;

157 (o) Incest under section 568.020;

158 (p) Endangering the welfare of a child in the first degree under section 568.045 with
159 sexual conduct or sexual contact with a victim less than fourteen years of age; or

160 (q) Endangering the welfare of a child in the first degree under section 568.045 with
161 sexual intercourse or deviate sexual intercourse with a victim less than eighteen years of
162 age;

163 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II
164 offense listed in this section or failure to register offense under section 589.425, or other
165 comparable out-of-state failure to register offense, who has been or is already required to
166 register as a tier II offender because of having been adjudicated of a tier II offense, two tier
167 I offenses, or combination of a tier I offense and failure to register offense, on a previous
168 occasion;

169 (4) Any offender who is adjudicated in any other state, territory, the District of
170 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an
171 offense of a sexual nature or with a sexual element that is comparable to a tier III offense
172 listed in this section or a tier III offense pursuant to the Sex Offender Registration and
173 Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public
174 Law 248-109; or

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

178 [5.] 8. In addition to the requirements of subsections 1 [and 2] to 7 of this section, all
179 Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any school
180 [or training] **whether public or private, including any secondary school, trade school,**
181 **professional school, or institution of higher education** on a full-time or part-time basis [in any
182 other state] **or has a temporary residence in this state** shall be required to report in person to
183 the chief law enforcement officer in the area of the state where they work, **including as a**
184 **volunteer or unpaid intern**, or attend any school or training and register in that state.
185 "Part-time" in this subsection means for more than seven days in any twelve-month period.

186 [6.] 9. If a person, who is required to register as a sexual offender under sections 589.400
187 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person
188 shall report such information in the same manner as a change of residence before using such
189 online identifier.

190 10. It is not a defense to a prosecution for a violation of any offense listed in this
191 section that the victim was a peace officer masquerading as a minor.

192 **11. Individuals that are not currently registered due to being adjudicated of a**
193 **sexual offense prior to the initial enactment of state or federal sex offender registry**
194 **legislation shall be required to register for their original offense if:**

195 **(1) The individual is currently incarcerated or under supervision of the Missouri**
196 **department of corrections either for a sexual offense or some other crime; or**

197 **(2) The individual is adjudicated for a felony offense, whether or not a sex offense.**

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