

FIRST REGULAR SESSION

# HOUSE BILL NO. 943

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DINKINS.

2101H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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

Section A. Section 589.414, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 589.414, to read as follows:

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

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

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

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or

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.

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;

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]~~ **punishment** is a term of imprisonment of **one year or** more ~~[than a year]~~;  
104 ~~[or]~~
- 105 (m) Age misrepresentation with intent to solicit a minor under section 566.153; **or**
- 106 (n) **Sexual abuse in the first degree under section 566.100 if the victim is thirteen**  
107 **to seventeen years of age;**
- 108 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed  
109 in this section or failure to register offense under section 589.425 or comparable out-of-state  
110 failure to register offense **or a violation of a restriction under section 566.147, 566.148,**  
111 **566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I  
112 offender due to having been adjudicated of a tier I offense on a previous occasion; or
- 113 (3) Any person who is or has been adjudicated in any other state, territory, the District  
114 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense  
115 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses  
116 listed in this subsection or, if not comparable to those in this subsection, comparable to those  
117 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I  
118 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 119 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of  
120 this section, shall report in person to the chief law enforcement official every ninety days to  
121 verify the information contained in their statement made under section 589.407. Tier III  
122 sexual offenders include:
- 123 (1) Any offender registered as a predatory sexual offender ~~[as defined in section~~  
124 ~~566.123]~~ or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125;**
- 125 (2) Any offender who has been adjudicated for the crime of:
- 126 (a) Rape in the first degree under section 566.030;
- 127 (b) Statutory rape in the first degree under section 566.032;

- 128 (c) Rape in the second degree under section 566.031;
- 129 (d) Endangering the welfare of a child in the first degree under section 568.045 if the  
130 offense is sexual in nature;
- 131 (e) Sodomy in the first degree under section 566.060;
- 132 (f) Statutory sodomy under section 566.062;
- 133 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of  
134 age;
- 135 (h) Sodomy in the second degree under section 566.061;
- 136 (i) Sexual misconduct involving a child under section 566.083 if the offense is a  
137 second or subsequent offense;
- 138 (j) Sexual abuse in the first degree under section 566.100 if the victim is under  
139 thirteen years of age;
- 140 (k) Kidnapping in the first degree under section 565.110 if the victim is under  
141 eighteen years of age, excluding kidnapping by a parent or guardian;
- 142 (l) Child kidnapping under section 565.115;
- 143 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first  
144 degree under section 566.115 [~~if the punishment is greater than a year~~] **if the offense is a**  
145 **felony**;
- 146 (n) Incest under section 568.020;
- 147 (o) Endangering the welfare of a child in the first degree under section 568.045 with  
148 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 149 (p) Child molestation in the first degree under section 566.067;
- 150 (q) Child molestation in the second degree under section 566.068;
- 151 (r) Child molestation in the third degree under section 566.069 if the victim is under  
152 thirteen years of age;
- 153 (s) Promoting prostitution in the first degree under section 567.050 if the victim is  
154 under eighteen years of age;
- 155 (t) Promoting prostitution in the second degree under section 567.060 if the victim is  
156 under eighteen years of age;
- 157 (u) Promoting prostitution in the third degree under section 567.070 if the victim is  
158 under eighteen years of age;
- 159 (v) Promoting travel for prostitution under section 567.085 if the victim is under  
160 eighteen years of age;
- 161 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the  
162 victim is under eighteen years of age;
- 163 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 164 (y) Sexual trafficking of a child in the second degree under section 566.211;

- 165 (z) Genital mutilation of a female child under section 568.065;
- 166 (aa) Statutory rape in the second degree under section 566.034;
- 167 (bb) Child molestation in the fourth degree under section 566.071 if the victim is  
168 under thirteen years of age;
- 169 (cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term~~  
170 ~~of imprisonment of more than a year]~~ **if the offense is a felony;**
- 171 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent  
172 offender;
- 173 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the  
174 victim is under thirteen years of age;
- 175 (ff) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public**  
176 **duty** under section 566.145 if the victim is under thirteen years of age;
- 177 (gg) Sexual ~~[intercourse with a prisoner or offender]~~ **conduct in the course of public**  
178 **duty** under section 566.145;
- 179 (hh) Sexual contact with a student under section 566.086 if the victim is under  
180 thirteen years of age;
- 181 (ii) Use of a child in a sexual performance under section 573.200; or
- 182 (jj) Promoting a sexual performance by a child under section 573.205;
- 183 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II  
184 offense listed in this section or failure to register offense under section 589.425[;] or other  
185 comparable out-of-state failure to register offense[;] **or a violation of a restriction under**  
186 **section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426 and** who has been or is  
187 already required to register as a tier II offender because of having been adjudicated for a tier II  
188 offense, two tier I offenses, or combination of a tier I offense and failure to register offense,  
189 on a previous occasion;
- 190 (4) Any offender who is adjudicated in any other state, territory, the District of  
191 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of  
192 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this  
193 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I  
194 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or
- 195 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature  
196 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier  
197 II offense in this section.
- 198 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri  
199 registrants who work, including as a volunteer or unpaid intern, or attend any school whether  
200 public or private, including any secondary school, trade school, professional school, or  
201 institution of higher education, on a full-time or part-time basis or have a temporary residence

202 in this state shall be required to report in person to the chief law enforcement officer in the  
203 area of the state where they work, including as a volunteer or unpaid intern, or attend any  
204 school or training and register in that state. "Part-time" in this subsection means for more  
205 than seven days in any twelve-month period.

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

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