

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 250
96TH GENERAL ASSEMBLY
2011

1451S.05T

AN ACT

To repeal sections 566.147 and 589.040, RSMo, and to enact in lieu thereof two new sections relating to requirements for persons convicted of sexual assault offenses, with penalty provisions.

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

Section A. Sections 566.147 and 589.040, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 566.147 and 589.040, to read as follows:

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

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

(2) Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, [or] any private school giving instruction in a grade or grades not higher than the twelfth grade, [or] child-care facility [as defined in section 210.201, which] **that is licensed under chapter 210, or any childcare facility as defined in section 210.201 that is exempt from state licensure but subject to state**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **regulation under section 210.252 and holds itself out to be a childcare**
20 **facility, where the school or facility** is in existence at the time the individual
21 begins to reside at the location.

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

31 3. For purposes of this section, "resides" means sleeps in a residence, which
32 may include more than one location and may be mobile or transitory.

33 4. Violation of the provisions of subsection 1 of this section is a class D felony
34 except that the second or any subsequent violation is a class B felony. Violation of
35 the provisions of subsection 2 of this section is a class A misdemeanor except that the
36 second or subsequent violation is a class D felony.

589.040. 1. The director of the department of corrections shall develop a
2 program of treatment, education and rehabilitation for all imprisoned offenders who
3 are serving sentences for sexual assault offenses. When developing such programs,
4 the ultimate goal shall be the prevention of future sexual assaults by the participants
5 in such programs, and the director shall utilize those concepts, services, programs,
6 projects, facilities and other resources designed to achieve this goal.

7 2. All persons imprisoned by the department of corrections for sexual assault
8 offenses shall be required to successfully complete the programs developed pursuant
9 to subsection 1 of this section **prior to being eligible for parole or conditional**
10 **release.**

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