

SECOND REGULAR SESSION

SENATE BILL NO. 540

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3087S.011

AN ACT

To repeal sections 570.023, 570.025, 570.030, 589.404, and 589.414, RSMo, and to enact in lieu thereof five new sections relating to registration as a sex offender for certain offenses, with penalty provisions.

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

Section A. Sections 570.023, 570.025, 570.030, 589.404, and 589.414, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 570.023, 570.025, 570.030, 589.404, and 589.414, to read as follows:

570.023. 1. A person commits the offense of robbery in the first degree if he or she forcibly steals property and in the course thereof he or she, or another participant in the offense:

- (1) Causes serious physical injury to any person; or
- (2) Is armed with a deadly weapon; or
- (3) Uses or threatens the immediate use of a dangerous instrument against any person; or
- (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or
- (5) Steals any controlled substance from a pharmacy.

2. **Any person convicted of, or who enters a plea of guilty to, the offense of robbery in the first degree shall register as a sexual offender in accordance with chapter 589, if the sentencing judge determines the property stolen was sexual in nature. As used in this section the term "sexual in nature" shall include any article of personal property that elicits a feeling of sexual arousal, sexual excitement, or sexual fulfillment from the person who committed the offense.**

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

18 **3.** The offense of robbery in the first degree is a class A felony.

 570.025. 1. A person commits the offense of robbery in the second degree
2 if he or she forcibly steals property and in the course thereof causes physical
3 injury to another person.

4 **2. Any person convicted of, or who enters a plea of guilty to, the**
5 **offense of robbery in the second degree shall register as a sexual**
6 **offender in accordance with chapter 589, if the sentencing judge**
7 **determines the property stolen was sexual in nature. As used in this**
8 **section the term "sexual in nature" shall include any article of personal**
9 **property that elicits a feeling of sexual arousal, sexual excitement, or**
10 **sexual fulfillment from the person who committed the offense.**

11 **3.** The offense of robbery in the second degree is a class B felony.

 570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to
3 deprive him or her thereof, either without his or her consent or by means of deceit
4 or coercion;

5 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of
6 another with the purpose to deprive him or her thereof, either without his or her
7 consent or by means of deceit or coercion; or

8 (3) For the purpose of depriving the owner of a lawful interest therein,
9 receives, retains or disposes of property of another knowing that it has been
10 stolen, or believing that it has been stolen.

11 **2.** The offense of stealing is a class A felony if the property appropriated
12 consists of any of the following containing any amount of anhydrous ammonia:
13 a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank
14 or field applicator.

15 **3.** The offense of stealing is a class B felony if:

16 (1) The property appropriated or attempted to be appropriated consists of
17 any amount of anhydrous ammonia or liquid nitrogen;

18 (2) The property consists of any animal considered livestock as the term
19 livestock is defined in section 144.010, or any captive wildlife held under permit
20 issued by the conservation commission, and the value of the animal or animals
21 appropriated exceeds three thousand dollars and that person has previously been
22 found guilty of appropriating any animal considered livestock or captive wildlife
23 held under permit issued by the conservation commission. Notwithstanding any
24 provision of law to the contrary, such person shall serve a minimum prison term

25 of not less than eighty percent of his or her sentence before he or she is eligible
26 for probation, parole, conditional release, or other early release by the department
27 of corrections;

28 (3) A person appropriates property consisting of a motor vehicle,
29 watercraft, or aircraft, and that person has previously been found guilty of two
30 stealing-related offenses committed on two separate occasions where such offenses
31 occurred within ten years of the date of occurrence of the present offense;

32 (4) The property appropriated or attempted to be appropriated consists of
33 any animal considered livestock as the term is defined in section 144.010 if the
34 value of the livestock exceeds ten thousand dollars; or

35 (5) The property appropriated or attempted to be appropriated is owned
36 by or in the custody of a financial institution and the property is taken or
37 attempted to be taken physically from an individual person to deprive the owner
38 or custodian of the property.

39 4. The offense of stealing is a class C felony if the value of the property
40 or services appropriated is twenty-five thousand dollars or more.

41 5. The offense of stealing is a class D felony if:

42 (1) The value of the property or services appropriated is seven hundred
43 fifty dollars or more;

44 (2) The offender physically takes the property appropriated from the
45 person of the victim; or

46 (3) The property appropriated consists of:

47 (a) Any motor vehicle, watercraft or aircraft;

48 (b) Any will or unrecorded deed affecting real property;

49 (c) Any credit device, debit device or letter of credit;

50 (d) Any firearms;

51 (e) Any explosive weapon as defined in section 571.010;

52 (f) Any United States national flag designed, intended and used for
53 display on buildings or stationary flagstaffs in the open;

54 (g) Any original copy of an act, bill or resolution, introduced or acted upon
55 by the legislature of the state of Missouri;

56 (h) Any pleading, notice, judgment or any other record or entry of any
57 court of this state, any other state or of the United States;

58 (i) Any book of registration or list of voters required by chapter 115;

59 (j) Any animal considered livestock as that term is defined in section
60 144.010;

61 (k) Any live fish raised for commercial sale with a value of seventy-five
62 dollars or more;

63 (l) Any captive wildlife held under permit issued by the conservation
64 commission;

65 (m) Any controlled substance as defined by section 195.010;

66 (n) Ammonium nitrate;

67 (o) Any wire, electrical transformer, or metallic wire associated with
68 transmitting telecommunications, video, internet, or voice over internet protocol
69 service, or any other device or pipe that is associated with conducting electricity
70 or transporting natural gas or other combustible fuels; or

71 (p) Any material appropriated with the intent to use such material to
72 manufacture, compound, produce, prepare, test or analyze amphetamine or
73 methamphetamine or any of their analogues.

74 6. The offense of stealing is a class E felony if:

75 (1) The property appropriated is an animal; or

76 (2) A person has previously been found guilty of three stealing-related
77 offenses committed on three separate occasions where such offenses occurred
78 within ten years of the date of occurrence of the present offense.

79 7. The offense of stealing is a class D misdemeanor if the property is not
80 of a type listed in subsection 2, 3, 5, or 6 of this section, the property
81 appropriated has a value of less than one hundred fifty dollars, and the person
82 has no previous findings of guilt for a stealing-related offense.

83 8. The offense of stealing is a class A misdemeanor if no other penalty is
84 specified in this section.

85 9. If a violation of this section is subject to enhanced punishment based
86 on prior findings of guilt, such findings of guilt shall be pleaded and proven in the
87 same manner as required by section 558.021.

88 10. The appropriation of any property or services of a type listed in
89 subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars
90 or more may be considered a separate felony and may be charged in separate
91 counts.

92 11. The value of property or services appropriated pursuant to one scheme
93 or course of conduct, whether from the same or several owners and whether at the
94 same or different times, constitutes a single criminal episode and may be
95 aggregated in determining the grade of the offense, except as set forth in
96 subsection 10 of this section.

97 **12. Any person convicted of, or who enters a plea guilty to, the**
98 **offense of stealing shall register as a sexual offender in accordance**
99 **with chapter 589, if the sentencing judge determines the property**
100 **stolen was sexual in nature. As used in this section the term "sexual in**
101 **nature" shall include any article of personal property that elicits a**
102 **feeling of sexual arousal, sexual excitement, or sexual fulfillment from**
103 **the person who committed the offense.**

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

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

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

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

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

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

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

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

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

25 (9) "**Sexual conduct**", **any nonconsensual sexual intercourse or**
26 **penetration;**

27 (10) "Sexual contact", any sexual touching of or contact with a person's
28 body, either directly or through the clothing;

29 [(10)] (11) "Sexual element", used for the purposes of distinguishing if

30 sexual contact or a sexual act was committed. Authorities shall refer to
31 information filed by the prosecutor, amended information filed by the prosecutor,
32 indictment information filed by the prosecutor, or amended indictment
33 information filed by the prosecutor, the plea agreement, or court documentation
34 to determine if a sexual element exists;

35 **(12) "Sexual in nature", any offense that elicits a feeling of sexual**
36 **arousal, sexual excitement, or sexual fulfillment for the person;**

37 [(11)] **(13)** "Signature", the name of the offender signed in writing or
38 electronic form approved by the Missouri state highway patrol;

39 [(12)] **(14)** "Student", an individual who enrolls in or attends the physical
40 location of an educational institution, including a public or private secondary
41 school, trade or professional school, or an institution of higher education;

42 [(13)] **(15)** "Vehicle", any land vehicle, watercraft, or aircraft.

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

5 (1) Name;

6 (2) Residence;

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

8 (4) Student status; or

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

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

13 (1) Vehicle information;

14 (2) Temporary lodging information;

15 (3) Temporary residence information;

16 (4) Email addresses, instant messaging addresses, and any other
17 designations used in internet communications, postings, or telephone
18 communications; or

19 (5) Telephone or other cellular number, including any new forms of
20 electronic communication.

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

24 three business days.

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

48 5. Tier I sexual offenders, in addition to the requirements of subsections
49 1 to 4 of this section, shall report in person to the chief law enforcement official
50 annually in the month of their birth to verify the information contained in their
51 statement made pursuant to section 589.407. Tier I sexual offenders include:

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

53 (a) Sexual abuse in the first degree under section 566.100 if the victim is
54 eighteen years of age or older;

55 (b) Sexual misconduct involving a child under section 566.083 if it is a
56 first offense and the punishment is less than one year;

57 (c) Sexual abuse in the second degree under section 566.101 if the
58 punishment is less than a year;

59 (d) Kidnapping in the second degree under section 565.120 with sexual

60 motivation;

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

62 (f) Sexual conduct with a nursing facility resident or vulnerable person
63 in the first degree under section 566.115 if the punishment is less than one year;

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

66 (h) Sexual contact with a prisoner or offender under section 566.145 if the
67 victim is eighteen years of age or older;

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

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

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

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

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

74 (n) Child molestation in the second degree under section 566.068 as it
75 existed prior to January 1, 2017, if the punishment is less than one year; [or]

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

78 **(p) Robbery in the first degree under section 570.023, robbery in**
79 **the second degree under section 570.025, and stealing under section**
80 **570.030, if the property stolen was sexual in nature. For purposes of**
81 **this paragraph, the term "sexual in nature" shall include any article of**
82 **personal property that elicits a feeling of sexual arousal, sexual**
83 **excitement, or sexual fulfillment from the person that stole the**
84 **property;**

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

92 6. Tier II sexual offenders, in addition to the requirements of subsections
93 1 to 4 of this section, shall report semiannually in person in the month of their
94 birth and six months thereafter to the chief law enforcement official to verify the
95 information contained in their statement made pursuant to section 589.407. Tier

96 II sexual offenders include:

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

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

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

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

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

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

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

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

109 (h) Promoting child pornography in the second degree under section
110 573.035;

111 (i) Patronizing prostitution under section 567.030;

112 (j) Sexual contact with a prisoner or offender under section 566.145 if the
113 victim is thirteen to seventeen years of age;

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

116 (l) Sexual misconduct involving a child under section 566.083 if it is a first
117 offense and the penalty is a term of imprisonment of more than a year; or

118 (m) Age misrepresentation with intent to solicit a minor under section
119 566.153;

120 (2) Any person who is adjudicated of an offense comparable to a tier I
121 offense listed in this section or failure to register offense under section 589.425
122 or comparable out-of-state failure to register offense and who is already required
123 to register as a tier I offender due to having been adjudicated of a tier I offense
124 on a previous occasion; or

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

132 7. Tier III sexual offenders, in addition to the requirements of subsections
133 1 to 4 of this section, shall report in person to the chief law enforcement official
134 every ninety days to verify the information contained in their statement made
135 under section 589.407. Tier III sexual offenders include:

136 (1) Any offender registered as a predatory sexual offender as defined in
137 section 566.123 or a persistent sexual offender as defined in section 566.124;

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

139 (a) Rape in the first degree under section 566.030;

140 (b) Statutory rape in the first degree under section 566.032;

141 (c) Rape in the second degree under section 566.031;

142 (d) Endangering the welfare of a child in the first degree under section
143 568.045 if the offense is sexual in nature;

144 (e) Sodomy in the first degree under section 566.060;

145 (f) Statutory sodomy under section 566.062;

146 (g) Statutory sodomy under section 566.064 if the victim is under sixteen
147 years of age;

148 (h) Sodomy in the second degree under section 566.061;

149 (i) Sexual misconduct involving a child under section 566.083 if the
150 offense is a second or subsequent offense;

151 (j) Sexual abuse in the first degree under section 566.100 if the victim is
152 under thirteen years of age;

153 (k) Kidnapping in the first degree under section 565.110 if the victim is
154 under eighteen years of age, excluding kidnapping by a parent or guardian;

155 (l) Child kidnapping under section 565.115;

156 (m) Sexual conduct with a nursing facility resident or vulnerable person
157 in the first degree under section 566.115 if the punishment is greater than a year;

158 (n) Incest under section 568.020;

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

162 (p) Child molestation in the first degree under section 566.067;

163 (q) Child molestation in the second degree under section 566.068;

164 (r) Child molestation in the third degree under section 566.069 if the
165 victim is under thirteen years of age;

166 (s) Promoting prostitution in the first degree under section 567.050 if the
167 victim is under eighteen years of age;

- 168 (t) Promoting prostitution in the second degree under section 567.060 if
169 the victim is under eighteen years of age;
- 170 (u) Promoting prostitution in the third degree under section 567.070 if the
171 victim is under eighteen years of age;
- 172 (v) Promoting travel for prostitution under section 567.085 if the victim
173 is under eighteen years of age;
- 174 (w) Trafficking for the purpose of sexual exploitation under section
175 566.209 if the victim is under eighteen years of age;
- 176 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 177 (y) Sexual trafficking of a child in the second degree under section
178 566.211;
- 179 (z) Genital mutilation of a female child under section 568.065;
- 180 (aa) Statutory rape in the second degree under section 566.034;
- 181 (bb) Child molestation in the fourth degree under section 566.071 if the
182 victim is under thirteen years of age;
- 183 (cc) Sexual abuse in the second degree under section 566.101 if the
184 penalty is a term of imprisonment of more than a year;
- 185 (dd) Patronizing prostitution under section 567.030 if the offender is a
186 persistent offender;
- 187 (ee) Abuse of a child under section 568.060 if the offense is of a sexual
188 nature and the victim is under thirteen years of age;
- 189 (ff) Sexual contact with a prisoner or offender under section 566.145 if the
190 victim is under thirteen years of age;
- 191 (gg) Sexual intercourse with a prisoner or offender under section 566.145;
- 192 (hh) Sexual contact with a student under section 566.086 if the victim is
193 under thirteen years of age;
- 194 (ii) Use of a child in a sexual performance under section 573.200; or
- 195 (jj) Promoting a sexual performance by a child under section 573.205;
- 196 (3) Any offender who is adjudicated for a crime comparable to a tier I or
197 tier II offense listed in this section or failure to register offense under section
198 589.425, or other comparable out-of-state failure to register offense, who has been
199 or is already required to register as a tier II offender because of having been
200 adjudicated for a tier II offense, two tier I offenses, or combination of a tier I
201 offense and failure to register offense, on a previous occasion;
- 202 (4) Any offender who is adjudicated in any other state, territory, the
203 District of Columbia, or foreign country, or under federal, tribal, or military

204 jurisdiction for an offense of a sexual nature or with a sexual element that is
205 comparable to a tier III offense listed in this section or a tier III offense under the
206 Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
207 Protection and Safety Act of 2006, Pub. L. 109-248; or

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

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

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

✓

Copy