

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

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1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 755, Page 22, Section 577.172, Line 11, by inserting after all of said section and  
3 line the following:  
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5 “589.400. 1. Sections 589.400 to 589.425 shall apply to:

6 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found  
7 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to  
8 commit a felony offense of chapter 566, including sexual trafficking of a child and sexual  
9 trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a  
10 minor, unless such person is exempted from registering under subsection 8 of this section; or

11 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found  
12 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to  
13 commit one or more of the following offenses: kidnapping when the victim was a child and the  
14 defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when  
15 such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is  
16 not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a  
17 nursing home, under section 565.200; endangering the welfare of a child under section 568.045  
18 when the endangerment is sexual in nature; genital mutilation of a female child, under section  
19 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree;  
20 promoting prostitution in the third degree; sexual exploitation of a minor; promoting child  
21 pornography in the first degree; promoting child pornography in the second degree; possession of  
22 child 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 mental  
27 health as a criminal sexual psychopath; or

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

30 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who

1 has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing,  
2 attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or  
3 more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any  
4 attempt or conspiracy to commit such offense; or

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

8 (7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter  
9 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, territory,  
10 or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction to  
11 committing, attempting to commit, or conspiring to commit an offense which, if committed in this  
12 state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision  
13 (2) of this subsection or has been or is required to register in another state, territory, the District  
14 of Columbia, or foreign country, or has been or is required to register under tribal, federal, or  
15 military law; or

16 (8) Any person who has been or is required to register in another state or has been or is  
17 required to register under tribal, federal, or military law and who works or attends an educational  
18 institution, whether public or private in nature, including any secondary school, trade school,  
19 professional school, or institution of higher education on a full-time or on a part-time basis or has  
20 a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven  
21 days in any twelve-month period.

22 2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of  
23 conviction, release from incarceration, or placement upon probation, register with the chief law  
24 enforcement official of the county or city not within a county in which such person resides unless  
25 such person has already registered in that county for the same offense. Any person to whom  
26 sections 589.400 to 589.425 apply if not currently registered in their county of residence shall  
27 register with the chief law enforcement official of such county or city not within a county within  
28 three days. The chief law enforcement official shall forward a copy of the registration form  
29 required by section 589.407 to a city, town, village, or campus law enforcement agency located  
30 within the county of the chief law enforcement official, if so requested. Such request may ask the  
31 chief law enforcement official to forward copies of all registration forms filed with such official.  
32 The chief law enforcement official may forward a copy of such registration form to any city, town,  
33 village, or campus law enforcement agency, if so requested.

34 3. The registration requirements of sections 589.400 through 589.425 are lifetime  
35 registration requirements unless:

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

1 (2) The registrant is pardoned of the offenses requiring registration;

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

4 (4) The registrant may petition the court for removal or exemption from the registry under  
5 subsection 7 or 8 of this section and the court orders the removal or exemption of such person  
6 from the registry.

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

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

13 6. Any person currently on the sexual offender registry for being convicted of, found  
14 guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or  
15 conspiring to commit, felonious restraint when the victim was a child and he or she was the parent  
16 or guardian of the child, nonsexual child abuse that was committed under section 568.060, or  
17 kidnapping when the victim was a child and he or she was the parent or guardian of the child shall  
18 be removed from the registry. However, such person shall remain on the sexual offender registry  
19 for any other offense for which he or she is required to register under sections 589.400 to 589.425.

20 7. Any person currently on the sexual offender registry for having been convicted of,  
21 found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit,  
22 or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the  
23 third degree, public display of explicit sexual material, statutory rape in the second degree, or  
24 sexual misconduct in the second degree and no physical force or threat of physical force was used  
25 in the commission of the crime may file a petition in the civil division of the circuit court in the  
26 county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to  
27 committing, attempting to commit, or conspiring to commit the offense or offenses for the  
28 removal of his or her name from the sexual offender registry after ten years have passed from the  
29 date he or she was required to register.

30 8. Effective August 28, 2009, any person on the sexual offender registry for having been  
31 convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included  
32 under subsection 1 of this section may file a petition after two years have passed from the date the  
33 offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or  
34 offenses in the civil division of the circuit court in the county in which the offender was convicted  
35 or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or  
36 her name from the registry if such person was nineteen years of age or younger and the victim was

1 thirteen years of age or older at the time of the offense and no physical force or threat of physical  
2 force was used in the commission of the offense, unless such person meets the qualifications of  
3 this subsection, and such person was eighteen years of age or younger at the time of the offense,  
4 and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section  
5 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such  
6 person may immediately file a petition to remove or exempt his or her name from the registry  
7 upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

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

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

25 10. Any nonresident worker or nonresident student shall register for the duration of such  
26 person's employment or attendance at any school of higher education and is not entitled to relief  
27 under the provisions of subsection 9 of this section. Any registered offender from another state  
28 who has a temporary residence in this state and resides more than seven days in a twelve-month  
29 period shall register for the duration of such person's temporary residency and is not entitled to the  
30 provisions of subsection 9 of this section.

31 11. Any person whose name is removed or exempted from the sexual offender registry  
32 under subsection 7 or 8 of this section shall no longer be required to fulfill the registration  
33 requirements of sections 589.400 to 589.425, unless such person is required to register for  
34 committing another offense after being removed from the registry.”; and

35 Further amend said bill by amending the title, enacting clause, and intersectional references  
36 accordingly.