

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 589
97TH GENERAL ASSEMBLY

0193L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, and 589.414, RSMo, and to enact in lieu thereof nineteen new sections relating to sex offender registration and classification, with an effective date for certain sections.

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

Section A. Sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, and
2 589.414, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as
3 sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, 589.414, 589.416,
4 589.418, 589.440, 589.442, 589.444, 589.446, 589.448, 589.450, 589.452, 589.454, and 589.456,
5 to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on
2 the internet which shall be open to the public and shall include a registered sexual offender
3 search capability. **The website shall only include the names and information for unclassified**
4 **offenders and Tier III offenders. Offender's Pending Classification and Tier I and II**
5 **offenders' names and information shall not be included on the public website, but the**
6 **patrol shall maintain a separate registry for unclassified offenders, Tier I, II, and III**
7 **offenders, and persons designated as an Offender Pending Classification to which only law**
8 **enforcement agencies shall have access.**

9 2. **Except as provided in subsection 5 of this section,** the registered sexual offender
10 search shall make it possible for any person using the internet to search for and find the
11 information specified in subsection 4 of this section, if known, on **unclassified offenders and**
12 **Tier III** offenders registered in this state pursuant to sections 589.400 to 589.425], except that
13 only persons who have been convicted of, found guilty of or plead guilty to committing,

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.

14 attempting to commit, or conspiring to commit sexual offenses shall be included on this
15 website].

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

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

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

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

23 (3) A physical description of the offender;

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

26 (5) [Any photographs of the offender] **A current photograph of the offender, which**
27 **shall be taken by the registering official;**

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

30 (7)] The nature and dates of all offenses qualifying the offender to register;

31 **(7) The offender's classification level, if the offender is a Tier III offender;**

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

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

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

41 **(11) The status of the offender's term of incarceration, probation, or parole.**

42 **5. The following offenders names and information shall be excluded from the**
43 **website:**

44 **(1) Juveniles required to register as sex offenders under section 589.400;**

45 **(2) Witnesses afforded federal protection who are required to register as sex**
46 **offenders under section 589.400 and in accordance with the provisions of 18 U.S.C. Section**
47 **3521 et seq., while under active federal protection; and**

48 **(3) Offenders committing felonious restraint of a nonsexual nature when the victim**
49 **was under the age of eighteen under section 565.120, or kidnapping of a nonsexual nature**
50 **when the victim was under the age of eighteen under section 565.110, if:**

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

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

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

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 found
3 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
4 to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual
5 trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is
6 a minor, unless such person is [exempted] **exempt** from registering under subsection **6 or 8** of
7 this section; or

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

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

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

27 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
28 who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to

29 committing, attempting to commit, or conspiring to commit a felony under chapter 566 which
30 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which
31 shall include any attempt or conspiracy to commit such offense; **or**

32 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
33 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
34 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;
35 **or**

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

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

51 2. Any person to whom sections 589.400 to 589.425 apply shall, within [three] **five**
52 **business** days of [conviction] **adjudication**, release from incarceration, or placement upon
53 probation, register **as a sex offender** with the chief law enforcement official of the county or city
54 not within a county in which such person resides unless such person has already registered in that
55 county for the same offense. **For any juvenile described in subdivision (6) of subsection 1**
56 **of this section, within five business days of adjudication or release from commitment to the**
57 **division of youth services, the department of mental health, or other placement, the**
58 **juvenile shall register as a sex offender with the chief law enforcement official of the county**
59 **or city not within a county in which such person resides unless such person has already**
60 **registered as a sex offender in that county or city not within a county for the same offense.**
61 Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county
62 of residence shall register **as a sex offender** with the chief law enforcement official of such
63 county or city not within a county within [three] **five business** days. The chief law enforcement
64 official shall forward a copy of the registration form required by section 589.407 to a city, town,

65 village, or campus law enforcement agency located within the county of the chief law
66 enforcement official], if so requested. Such request may ask the chief law enforcement official
67 to forward copies of all registration forms filed with such official. The chief law enforcement
68 official may forward a copy of such registration form to any city, town, village, or campus law
69 enforcement agency, if so requested].

70 3. The registration requirements of sections 589.400 through 589.425 are lifetime
71 registration requirements unless:

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

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

77 (3) The registrant is **exempt or is** no longer required to register [and his or her name
78 shall be removed from the registry] under the provisions of subsection 6 **or 8** of this section; or

79 (4) The [registrant may petition the court for removal or exemption from the registry
80 under subsection 7 or 8 of this section and the] court orders the removal [or exemption] of such
81 person from the registry **under subsection 7 or 8 of this section or section 589.416.**

82 4. For processing an initial sex offender registration the chief law enforcement officer
83 of the county or city not within a county may charge the offender registering a fee of up to [ten]
84 **twenty-five** dollars. **For designating a registered sex offender as an Offender Pending**
85 **Classification the registering law enforcement official may charge the offender a fee of up**
86 **to five dollars.**

87 5. For processing any change in registration required pursuant to section 589.414 the
88 chief law enforcement official of the county or city not within a county may charge the person
89 changing their registration a fee of five dollars for each change made after the initial registration.
90 **For handling the annual, semi-annual, or quarterly reporting that is required under**
91 **subsection 6 of section 589.414, the registering law enforcement official may charge a**
92 **twenty-five dollar reporting fee each time an offender reports.**

93 6. Any person who has been convicted of, found guilty of, or pleaded guilty or nolo
94 **contendere to committing, attempting to commit, or conspiring to commit:**

95 (1) **Sexual misconduct in the second degree under section 566.093;**

96 (2) **Sexual misconduct in the third degree under section 566.095;**

97 (3) **Promoting obscenity in the first degree under section 573.020;**

98 (4) **Promoting obscenity in the second degree under section 573.030;**

99 (5) **Furnishing pornographic materials to minors under section 573.040;**

100 (6) **Public display of explicit sexual material under section 573.060;**

- 101 **(7) Coercing acceptance of obscene material under section 573.065;**
102 **(8) Nonsexual child abuse that was committed under section 568.060;**
103 **(9) Felonious restraint of a nonsexual nature when the victim was a child and he**
104 **or she was the parent or guardian of the child;**
105 **(10) Kidnapping of a nonsexual nature when the victim was a child and he or she**
106 **was the parent or guardian of the child; or**
107 **(11) A sexual offense involving sexual conduct where no force or threat of force was**
108 **directed toward the victim and:**
109 **(a) The victim was an adult, unless the adult was under the custodial authority of**
110 **the offender at the time of the offense; or**
111 **(b) The victim was eighteen years of age or younger and the offender was not more**
112 **than five years older than the victim at the time of the commission of the offense,**
113
114 **shall be exempt from registering as a sex offender; however, such person shall remain on**
115 **the sex offender registry for any other offense for which he or she is required to register**
116 **as a sex offender under sections 589.400 to 589.425.**
117 7. Any person currently on the sexual offender registry [for being convicted of, found
118 guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or
119 conspiring to commit, felonious restraint when the victim was a child and he or she was the
120 parent or guardian of the child, nonsexual child abuse that was committed under section 568.060,
121 or kidnapping when the victim was a child and he or she was the parent or guardian of the child]
122 **or who otherwise would be required to register as a sex offender for any offense listed in**
123 **subsection 6 of this section** shall be removed from the registry. However, such person shall
124 remain on the sexual offender registry for any other offense for which he or she is required to
125 register under sections 589.400 to 589.425.
126 [7. Any person currently on the sexual offender registry for having been convicted of,
127 found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to
128 commit, or conspiring to commit promoting prostitution in the second degree, promoting
129 prostitution in the third degree, public display of explicit sexual material, statutory rape in the
130 second degree, and no physical force or threat of physical force was used in the commission of
131 the crime may file a petition in the civil division of the circuit court in the county in which the
132 offender was convicted or found guilty of or pled guilty or nolo contendere to committing,
133 attempting to commit, or conspiring to commit the offense or offenses for the removal of his or
134 her name from the sexual offender registry after ten years have passed from the date he or she
135 was required to register.]

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

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

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

168 10. Any nonresident worker or nonresident student shall register for the duration of such
169 person's employment or attendance at any school of higher education and is not entitled to relief
170 under the provisions of subsection [9] **8** of this section. Any registered offender from another
171 state who has a temporary residence in this state and resides more than seven days in a

172 twelve-month period shall register for the duration of such person's temporary residency and is
173 not entitled to the provisions of subsection 9 of this section.

174 11. Any person whose name is removed or exempted from the sexual offender registry
175 under subsection 6, 7, or 8 of this section **or section 589.416** shall no longer be required to fulfill
176 the registration requirements of sections 589.400 to 589.425, unless such person is required to
177 register for committing another offense after being removed from the registry.

178 **12. If any person required to register as a sex offender fails to register within five**
179 **business days as required under subsection 2 of this section or as directed under sections**
180 **589.403 and 589.405, such failure shall constitute an offense of failure to register under**
181 **section 589.425.**

182 **13. Individuals that are not currently registered due to being adjudicated of a**
183 **sexual offense prior to the initial enactment of state or federal sex offender registry law**
184 **shall only be required to register for their original offense if the person is currently**
185 **incarcerated or under supervision of the Missouri department of corrections for a sexual**
186 **offense.**

589.402. 1. The chief law enforcement officer of the county or city not within a county
2 may maintain a [web page] **website** on the internet, which shall be open to the public and shall
3 include a registered sexual offender search capability. **The website shall only include the**
4 **names and information for unclassified offenders and Tier III offenders. Offender's**
5 **Pending Classification and Tier I and II offenders' names and information shall not be**
6 **included on the public website, but the officer may maintain a separate registry for**
7 **unclassified offenders, Tier I, II, and III offenders, and offenders designated as an**
8 **Offender Pending Classification to which only the law enforcement agencies shall have**
9 **access.**

10 2. **Except as provided by subsection 5 of this section,** the registered sexual offender
11 search [shall] **may** make it possible for any person using the internet to search for and find the
12 information specified in subsection 3 of this section, if known, on **unclassified offenders and**
13 **Tier III** offenders registered in this state pursuant to sections 589.400 to 589.425], except that
14 only persons who have been convicted of, found guilty of, or plead guilty to committing,
15 attempting to commit, or conspiring to commit sexual offenses shall be included on this
16 website].

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

- 19 (1) The name and any known aliases of the offender;
20 (2) The date of birth and any known alias dates of birth of the offender;
21 (3) A physical description of the offender;

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

24 (5) [Any photographs of the offender] **A current photograph of the offender, which**
25 **shall be taken by the registering official;**

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

28 (7)] The nature and dates of all offenses qualifying the offender to register;

29 **(7) The classification level of the offender if the offender is a Tier III offender;**

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

33 (9) Compliance status of the offender with the provisions of sections 589.400 to
34 589.425; [and]

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

39 **(11) The status of the offender's term of incarceration, probation, or parole.**

40 4. The chief law enforcement officer of any county or city not within a county may
41 [publish in any newspaper distributed in the county or city not within a county the sexual
42 offender information provided under subsection 3 of this section for any offender residing in the
43 county or city not within a county] **give notice to any public school as defined in section**
44 **160.011, any private school giving instruction in a grade or grades not higher than the**
45 **twelfth grade, any child care facility that is licensed under chapter 210, or any child care**
46 **facility as defined in section 210.201 that is exempt from state licensure but subject to state**
47 **regulation under section 210.252 and holds itself out to be a child care facility, that an**
48 **unclassified offender or a Tier I offender is residing, working, or attending school within**
49 **a five mile radius of such school or child care facility. Such notice shall only include the**
50 **sex offender information described in subsection 3 of this section.**

51 5. The following offenders names and information shall be excluded from the
52 website:

53 **(1) Juveniles required to register as sex offenders under section 589.400;**

54 **(2) Witnesses afforded federal protection who are required to register as sex**
55 **offenders under section 589.400 and in accordance with the provisions of 18 U.S.C. Section**
56 **3521 et seq., while under active federal protection; and**

57 **(3) Offenders committing felonious restraint of a nonsexual nature when the victim**
58 **was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature**
59 **when the victim was under the age of eighteen under section 565.110, if:**

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

61 **(b) The offender is not a repeat offender as a result of multiple adjudications for**
62 **the offenses listed in this subsection; and**

63 **(c) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**
64 **conduct occurred during the offense.**

 589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**
2 **required to register as a sex offender under sections 589.400 to 589.425** who is paroled,
3 discharged, or otherwise released from any correctional facility of the department of corrections
4 [or] , any 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 be informed by the official in charge of such
7 correctional facility or mental health institution of the person's possible duty to register **as a sex**
8 **offender** pursuant to sections 589.400 to 589.425. If such person is required to register pursuant
9 to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental
10 health institution shall complete the initial [registration] **notification of duty to register form**
11 **approved by the Missouri state highway patrol at least seven days** prior to release and
12 **forward the notification form and the offender's registration form**, within three business days
13 **of release, to the Missouri state highway patrol. If the offender resides or plans to reside**
14 **in Missouri, the official in charge of the correctional facility or the mental health institution**
15 **shall also within three business days forward a copy of the notification form and the**
16 **offender's registration form** to the chief law enforcement official of the county or city not
17 within a county where the person expects to reside upon discharge, parole or release]. When the
18 person lists an address where he or she expects to reside that is not in this state, the initial
19 registration shall be forwarded to the Missouri state highway patrol]. **If the offender does not**
20 **reside in Missouri or plan to reside in Missouri, upon release, the Missouri state highway**
21 **patrol shall within three business days of receipt of the notification form forward a copy**
22 **of the notification form and the offender's registration form to the chief law enforcement**
23 **official who has jurisdiction over the area of the other state in which the offender plans to**
24 **reside.**

25 **2. If the offender resides or plans to reside in Missouri, the chief law enforcement**
26 **official in the county or city not within a county where the offender resides or plans to**
27 **reside shall, within three business days of receipt of an offender's registration form from**
28 **a correctional facility or a mental health institution, enter the offender's registration**

29 **information into the Missouri uniform law enforcement system (MULES) and on their**
30 **local sex offender registry, if any. If the offender does not plan to reside in Missouri, the**
31 **Missouri state highway patrol shall, within three business days of receipt of an offender's**
32 **registration form from a correctional facility or a mental health institution, enter the**
33 **offender's registration information into the Missouri uniform law enforcement system**
34 **(MULES) and on its sex offender registry.**

589.405. Any person [to whom subsection 1 of section 589.400 applies] **who is required**
2 **to register as a sex offender under sections 589.400 to 589.425** 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 **as a sex offender** pursuant to sections 589.400 to 589.425 **and is placed on probation,**
7 the court shall obtain the address where the person expects to reside upon discharge, parole or
8 release and shall **make it a condition of probation that the offender** report, within [three] **five**
9 business days[, such address] 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 complete**
11 **the initial registration. If such offender is not placed on probation, the court shall complete**
12 **the initial notification of duty to register form approved by the state judicial records**
13 **committee and the Missouri state highway patrol and forward the notification form within**
14 **three business days to the Missouri state highway patrol. If the offender resides in**
15 **Missouri, the court shall also within three business days forward a copy of the notification**
16 **form to the chief law enforcement official in the county in which the offender resides. If**
17 **the offender does not reside in Missouri, the court shall order the offender to proceed**
18 **within five business days to the chief law enforcement official who has jurisdiction over the**
19 **area of the other state in which the offender resides or plans to reside to register as a sex**
20 **offender and shall order the Missouri state highway patrol to forward a copy of the**
21 **notification form to the appropriate official in that state.**

589.407. 1. Any registration **of a sex offender** pursuant to sections 589.400 to 589.425
2 shall consist of completion of an offender registration form developed by the Missouri state
3 highway patrol. Such form **will consist of a statement in writing, including the signature of**
4 **the offender and** shall include, but is not limited to the following:

5 (1) [A statement in writing signed by the person, giving the name, address, Social
6 Security number and phone number of the person, the license plate number and vehicle
7 description, including the year, make, model, and color of each vehicle owned or operated by the
8 offender, any online identifiers, as defined in section 43.651, used by the person, the place of
9 employment of such person, enrollment within any institutions of higher education, the crime

10 which requires registration, whether the person was sentenced as a persistent or predatory
11 offender pursuant to section 558.018, the date, place, and a brief description of such crime, the
12 date and place of the conviction or plea regarding such crime, the age and gender of the victim
13 at the time of the offense and whether the person successfully completed the Missouri sexual
14 offender program pursuant to section 589.040, if applicable;] **The full name of the individual**
15 **to include any alias, maiden name, nicknames, pseudonym, ethnic or tribal names used,**
16 **regardless of the context in which they are used;**

17 (2) **The date of birth of the individual to include any alias dates of birth used;**

18 (3) **The address of the individual's residence or, if the individual is homeless, the**
19 **names and addresses of habitual locales frequented during the day and night to include**
20 **any temporary homeless shelter or other temporary residence;**

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

26 (5) **The name and address of any institutions of higher education that the individual**
27 **attends;**

28 (6) **The Social Security number of the individual including any alias Social Security**
29 **numbers used;**

30 (7) **The telephone numbers of the individual including all landline and cellular**
31 **telephone numbers used;**

32 (8) **The license plate number, registration number, vehicle identification number,**
33 **and vehicle description, including the year, make, model, color, and habitual location of**
34 **each vehicle owned or operated by the individual for personal or work use;**

35 (9) **Any online identifiers, as defined in section 43.651, which are used by the**
36 **individual for personal purposes;**

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

39 (11) **The date, place, and brief description of the crime, including the date and place**
40 **of the adjudication regarding such crime;**

41 (12) **The age and gender of the victim at the time of the offense;**

42 (13) **If the offender was required to successfully complete the Missouri sexual**
43 **offender program under section 589.040 or any other sexual offender treatment program,**
44 **the date that the offender successfully completed the program, or a statement, that as of**
45 **the date of registration, the offender has not yet successfully completed the required sexual**

46 **offender treatment program or has failed to successfully complete the required sexual**
47 **offender treatment program;**

48 **(14) The status of the individual's parole, probation, or supervised release, if**
49 **applicable;**

50 **(15) Passport and immigration numbers to include expiration dates; and**

51 **(16) The physical description of the sex offender, to include the physical**
52 **appearance or characteristics, and identifying marks such as scars, marks, or tattoos.**

53 **2. If any person required to register as a sex offender refuses to complete and sign**
54 **the registration form as required under the provisions of subsection 1 of this section, such**
55 **refusal shall constitute an offense of failure to register under section 589.425.**

56 **3. The following shall be included with the form:**

57 **[(2)] (1) The fingerprints, palm prints, and a photograph of the person; [and]**

58 **(2) A current photograph of the individual to be taken by the registering official;**
59 **and**

60 **(3) A DNA sample from the individual, if a sample has not already been obtained.**

61 **[2.] 4. The offender shall provide positive identification and documentation to**
62 **substantiate the accuracy of the information completed on the offender registration form,**
63 **including but not limited to the following:**

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

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

66 **(3) A photocopy of the vehicle registration for each [of the offender's vehicles] vehicle**
67 **titled in the offender's name.**

68 **5. The Missouri state highway patrol shall maintain all required registration**
69 **information in digitized form.**

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

73 **7. The offender shall be responsible for reviewing his or her existing registration**
74 **information for accuracy at every regular in-person appearance and if any inaccuracies**
75 **are found provide proof of the information in question. The registering law enforcement**
76 **official shall, within three business days of receipt of proof from the offender regarding the**
77 **inaccuracy, correct the inaccuracy on its law enforcement registry and on its public**
78 **website, if any, enter the corrections into the Missouri uniform law enforcement system**
79 **(MULES), and shall notify the Missouri state highway patrol of the change in information.**
80 **The Missouri state highway patrol shall, within three business days of notification by the**

81 **registering law enforcement official, correct the inaccuracy on its law enforcement registry**
82 **and on its public website.**

83 **8. 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 such effect shall be included on the form that the individual is**
86 **required to sign at each registration.**

589.410. The chief law enforcement official shall, within three business days, enter
2 **the registration and classification information into the Missouri uniform law enforcement**
3 **system (MULES) where it is available to members of the criminal justice system and other**
4 **entities as provided by law upon inquiry.** The chief law enforcement official shall **also**
5 forward the completed offender registration form **along with the completed classification form**
6 to the Missouri state highway patrol within three **business** days. The patrol shall [enter the
7 information into the Missouri uniform law enforcement system (MULES) where it is available
8 to members of the criminal justice system, and other entities as provided by law, upon inquiry]
9 **check the information contained in the registration and classification forms with the**
10 **information entered into the Missouri uniform law enforcement system (MULES) for**
11 **accuracy, make any necessary corrections, and file the registration and classification forms.**
12 **If corrections were made, the patrol shall, within three business days of making the**
13 **corrections, notify the registering law enforcement official of any changes made. The**
14 **registering law enforcement official shall, within three business days of receipt of any**
15 **corrections, update their local law enforcement registry, if any, and their local public**
16 **website, if any.**

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.**

8 **2. If any person required by sections 589.400 to 589.425 to register changes such**
9 **person's residence or address to a different county or city not within a county, the person shall**
10 **appear in person and shall inform both the chief law enforcement official with whom the person**
11 **last registered and the chief law enforcement official of the county or city not within a county**
12 **having jurisdiction over the new residence or address in writing within three business days of**
13 **such new address and phone number, if the phone number is also changed. If any person**
14 **required by sections 589.400 to 589.425 to register changes their state of residence, the person**

15 shall appear in person and shall inform both the chief law enforcement official with whom the
16 person was last registered and the chief law enforcement official of the area in the new state
17 having jurisdiction over the new residence or address within three business days of such new
18 address. Whenever a registrant changes residence, the chief law enforcement official of the
19 county or city not within a county where the person was previously registered shall inform the
20 Missouri state highway patrol of the change within three business days. When the registrant is
21 changing the residence to a new state, the Missouri state highway patrol shall inform the
22 responsible official in the new state of residence within three business days.

23 3. In addition to the requirements of subsections 1 and 2 of this section, the following
24 offenders shall report in person to the chief law enforcement agency every ninety days to verify
25 the information contained in their statement made pursuant to section 589.407:

26 (1) Any offender registered as a predatory or persistent sexual offender under the
27 definitions found in section 558.018;

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

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

32 4. In addition to the requirements of subsections 1 and 2 of this section, all registrants
33 shall report semiannually in person in the month of their birth and six months thereafter to the
34 chief law enforcement agency to verify the information contained in their statement made
35 pursuant to section 589.407. All registrants shall allow the chief law enforcement officer to take
36 a current photograph of the offender in the month of his or her birth to the chief law enforcement
37 agency.

38 5. In addition to the requirements of subsections 1 and 2 of this section, all Missouri
39 registrants who work or attend school or training on a full-time or part-time basis in any other
40 state shall be required to report in person to the chief law enforcement officer in the area of the
41 state where they work or attend school or training and register in that state. "Part-time" in this
42 subsection means for more than seven days in any twelve-month period.

43 6. If a person, who is required to register as a sexual offender under sections 589.400 to
44 589.425, changes or obtains a new online identifier as defined in section 43.651, the person shall
45 report such information in the same manner as a change of residence before using such online
46 identifier.] **Any person required to register as a sex offender shall, not later than five
47 business days after a change in any of the following information, report such change to the
48 chief law enforcement officer of the county or city not within a county where such person
49 resides:**

50 (1) **Name;**

- 51 **(2) Residence, temporary residence, or address;**
52 **(3) Employment;**
53 **(4) Telephone or cellular phone number;**
54 **(5) Vehicle information;**
55 **(6) Online identifiers as defined in section 43.651, email addresses, instant**
56 **messaging addresses, and any other designations used in internet communications,**
57 **postings, or telephone communications;**
58 **(7) Student status; or**
59 **(8) A termination to any of the items listed in this subsection.**
60

61 **The chief law enforcement official in the county or city not within a county in which such**
62 **person resides shall, within three business days of receipt of such change, enter the change**
63 **on their local law enforcement registry and on their public website, if any, enter the change**
64 **into the Missouri uniform law enforcement system (MULES), and notify the Missouri state**
65 **highway patrol of the change in information. The Missouri state highway patrol shall,**
66 **within three business days of notification of the change by the registering law enforcement**
67 **official, enter the change on its law enforcement registry and on its public website.**

68 **2. If the change reported under subsection 1 of this section was a change in**
69 **residence, temporary residence, or address, the offender shall make additional reports of**
70 **the change as follows:**

71 **(1) If the change was to a residence, temporary residence, or address in a different**
72 **county in this state, the offender shall also, within five business days of the change, report**
73 **the change to the chief law enforcement official of the county or city not within a county**
74 **who has jurisdiction over the new residence, temporary residence, or address;**

75 **(2) If the change was to a residence, temporary residence, or address in a different**
76 **state, the offender shall also, within five business days of the change, report the change to**
77 **the chief law enforcement official of the area in the new state who has jurisdiction over the**
78 **new residence, temporary residence, or address. When the registrant is changing**
79 **residence, temporary residence, or address to a different state, the Missouri state highway**
80 **patrol shall inform the responsible official in the new state of the change within three**
81 **business days of receipt of the change from the registering law enforcement official.**

82 **3. All Missouri sex offender registrants who work or attend school or training on**
83 **a full-time or part-time basis in any other state shall be required to report in person to the**
84 **chief law enforcement officer in the area of the state where they work or attend school or**
85 **training and register in that state. As used in this subsection, "part-time" means for more**
86 **than seven days in any twelve-month period.**

87 **4. In addition to the reporting requirements of subsections 1, 2, and 3 of this**
88 **section, all registrants shall also be required to report in person to the chief law**
89 **enforcement officer of the county or city not within a county where the registrant resides**
90 **to verify the information contained in the offender's statement made under section 589.407**
91 **and to inform such officer of any changes to the information as follows:**

92 **(1) An unclassified offender, a Tier III offender, or any person who has been**
93 **designated as an Offender Pending Classification shall report on a quarterly basis as**
94 **follows:**

95 **(a) If the offender's month of birth is in January, April, July, or October, the**
96 **offender shall report each year in the months of January, April, July, and October;**

97 **(b) If the offender's month of birth is in February, May, August, or November, the**
98 **offender shall report each year in the months of February, May, August, and November;**

99 **(c) If the offender's month of birth is in March, June, September, or December, the**
100 **offender shall report each year in the months of March, June, September, and December;**

101 **(2) A Tier II offender shall report on a semi-annual basis as follows:**

102 **(a) If the offender's month of birth is in January or July, the offender shall report**
103 **each year in the months of January and July;**

104 **(b) If the offender's month of birth is in February or August, the offender shall**
105 **report each year in February and August;**

106 **(c) If the offender's month of birth is in March or September, the offender shall**
107 **report each year in the months of March and September;**

108 **(d) If the offender's month of birth is in April or October, the offender shall report**
109 **each year in April and October;**

110 **(e) If the offender's month of birth is in May or November, the offender shall report**
111 **each year in May and November;**

112 **(f) If the offender's month of birth is in June or December, the offender shall report**
113 **each year in June and December;**

114 **(3) A Tier I offender shall report on an annual basis each year in the month of the**
115 **offender's birth.**

116 **5. All registrants shall allow the chief law enforcement official to take a current**
117 **photograph of the registrant each year in the month of the registrant's birth.**

589.416. 1. Any person on the sexual offender registry may file a petition in the
2 **division of the circuit court in the county or city not within a county in which the offense**
3 **requiring registration was adjudicated, or if such offense was adjudicated outside the state**
4 **of Missouri, in the division of the circuit court in the county or city not within a county in**
5 **which such person resides, to have his or her name and information removed from the**

6 sexual offender registry; except that, any person having multiple offenses requiring
7 registration shall not be eligible for removal from the registry until all applicable time
8 requirements under subsections 2 and 3 of this section for all such offenses have elapsed.

9 **2. The court shall dismiss a petition for removal, without prejudice if the petitioner**
10 **has not been a resident of this state for at least five years immediately prior to the filing of**
11 **the petition.**

12 **3. The court shall dismiss a petition for removal, without prejudice, if:**

13 **(1) The petitioner is classified as a Tier III offender and at least twenty-five years**
14 **has not elapsed since the date the petitioner registered;**

15 **(2) The petitioner is classified as a Tier II offender and at least ten years has not**
16 **elapsed since the date the petitioner registered; or**

17 **(3) The petitioner is unclassified or is classified as a Tier I offender and at least five**
18 **years has not elapsed since the date the petitioner registered.**

19 **4. The court shall dismiss a petition for removal, without prejudice, if the petitioner**
20 **has not filed the following as documents in the case prior to the hearing date:**

21 **(1) A certificate of the petitioner that he or she has mailed a file stamped copy of**
22 **the petition for removal and sex offender risk assessment report by registered mail, return**
23 **receipt requested, to the department of corrections at the address designated by the**
24 **department for receipt of file stamped petitions and sex offender risk assessment reports**
25 **under subsection 8 of section 589.456; and**

26 **(2) The return registered mail receipt.**

27 **5. The court shall dismiss a petition for removal, without prejudice, if it fails to**
28 **include any of the following:**

29 **(1) The petitioner's:**

30 **(a) Full name;**

31 **(b) Sex;**

32 **(c) Race;**

33 **(d) Date of birth;**

34 **(e) Last four digits of the Social Security number;**

35 **(f) Address;**

36 **(g) Place of employment, school, or volunteer status;**

37 **(2) The offense that required the petitioner to register;**

38 **(3) The date the petitioner pled to, was convicted of, or was adjudicated for the**
39 **offense;**

40 **(4) The date the petitioner was required to register;**

41 **(5) The date the petitioner actually registered;**

42 **(6) The case number and court, including county, that entered the original order**
43 **for the adjudicated sex offense;**

44 **(7) The petitioner's fingerprints on an applicant fingerprint card;**

45 **(8) If the petitioner was pardoned or an offense requiring registration was reversed,**
46 **vacated, or set aside, an authenticated copy of the order;**

47 **(9) That the petitioner is currently registered under applicable law and has not**
48 **been adjudicated for failure to register in any jurisdiction and does not have any charges**
49 **pending for failure to register;**

50 **(10) A successfully completed sex offender risk assessment report completed by a**
51 **mental health professional on the sex offender mental health providers list approved by the**
52 **department of corrections and completed within the six months immediately preceding the**
53 **date of the filing of the petition. Any person required to submit a completed sex offender**
54 **risk assessment shall not seek to be or be assessed more than one time for each petition**
55 **filed with the court. Any second or subsequent sex offender risk assessments obtained shall**
56 **not be valid or admissible in any court action under this section; and**

57 **(11) The petitioner's classification level or designation as an Offender Pending**
58 **Classification, if the petitioner has been classified or designated or a statement that the**
59 **petitioner is unclassified.**

60 **6. The court shall deny the petition for removal if the court finds that the petitioner**
61 **is a high risk to reoffend.**

62 **7. The petition shall name as respondents the Missouri state highway patrol, the**
63 **prosecuting or circuit attorney in the county or city not within a county in which the**
64 **petition is filed and the chief law enforcement official in the county or city not within a**
65 **county where the petitioner resides.**

66 **8. All proceedings under this section shall be governed under the Missouri supreme**
67 **court rules of civil procedure.**

68 **9. The prosecuting or circuit attorney in the circuit court in which the petition is**
69 **filed shall be given an opportunity to present evidence in opposition to the facts alleged in**
70 **the petition.**

71 **10. The prosecuting or circuit attorney in the circuit court in which the petition is**
72 **filed shall have access to all applicable records concerning the petitioner, including but not**
73 **limited to criminal history records under section 43.530, mental health records, juvenile**
74 **records, and records of the department of corrections and probation and parole.**

75 **11. The prosecuting or circuit attorney shall make reasonable efforts to notify the**
76 **victim of the crime for which the person was required to register of the petition and the**
77 **dates and times of any hearings or other proceedings in connection with such petition.**

78 **12. If the petition has not been dismissed by the court under subsections 2, 3, 4, and**
79 **5 of this section or denied under subsection 6 of this section, the court shall enter an order**
80 **directing the removal of the petitioner's name and information from the sexual offender**
81 **registry and from any corresponding state or local law enforcement registry or website**
82 **unless it finds that the petitioner, in this state or any other state, territory, or the District**
83 **of Columbia, or foreign country, or federal, tribal, or military jurisdiction:**

84 **(1) Has been adjudicated of or has charges pending for failure to register;**

85 **(2) Has been adjudicated of any additional offense which would require**
86 **registration as a sexual offender and which occurred after the date such person initially**
87 **registered as a sexual offender;**

88 **(3) Has charges pending for any offense which would require registration as a**
89 **sexual offender;**

90 **(4) Has not successfully completed any required periods of supervised release,**
91 **probation, or parole; or**

92 **(5) Has not successfully completed all appropriate sexual offender treatment,**
93 **including any court-ordered treatment and any treatment ordered by the department of**
94 **corrections.**

95 **13. In order to prove the facts required by this section, the fingerprints filed in the**
96 **case shall be examined by the Missouri state highway patrol and the Federal Bureau of**
97 **Investigation.**

98 **14. Except as provided in subsection 15 of this section, if it is found that the petition**
99 **is denied, a successive petition requesting such relief may be filed under this section no**
100 **sooner than two years after the date of such denial unless such denial is based on a**
101 **subsequent conviction of a sex offense or failure to register, in which case no successive**
102 **petition shall be filed.**

103 **15. If it is found that the petition is denied solely on the basis of the fact that the**
104 **petitioner has pending charges and those charges are subsequently dismissed or the**
105 **petitioner is subsequently acquitted of such pending charges, the petitioner may file a new**
106 **petition under this section at any time after the dismissal or acquittal of such pending**
107 **charges.**

108 **16. If the court finds that the petitioner is entitled to have his or her name and**
109 **information removed from the sexual offender registry, the court shall enter judgment**
110 **directing the respondents to remove the petitioner's name and information from all law**
111 **enforcement sexual offender registries and public websites within three business days of**
112 **receiving the judgment. A copy of the judgment shall be provided to the respondents**
113 **named in the petition.**

114 **17. Any person subject to judgment requiring his or her name or information to**
115 **be removed from the sexual offender registry shall not be required to register or report**
116 **under sections 589.400 to 589.425 unless such person is required to register and report for**
117 **an offense that was committed after the judgment of removal was entered.**

118 **18. Any person otherwise exempt from registration under other applicable**
119 **provisions of state law shall not be required to petition for removal from the registry under**
120 **this section.**

589.418. 1. An unclassified offender may file a joint petition for removal or
2 **classification if:**

3 **(1) The joint petition meets all the requirements for a petition for removal under**
4 **section 589.416 and a petition for classification under section 589.446;**

5 **(2) The offender, in addition to the notice requirements under sections 589.416 and**
6 **589.446 gives notice to the prosecuting or circuit attorney in the circuit court in which the**
7 **petition is filed of the offender's intent to proceed immediately to a hearing on classification**
8 **of the offender if the offender's petition for removal is dismissed or denied.**

9 **2. Notwithstanding any provision of section 589.416, 589.440, or 589.446 an**
10 **unclassified offender who files a joint petition for removal or classification under**
11 **subsection 1 of this section may use one sex offender risk assessment report, mail certifying**
12 **document, and return registered mail receipt to satisfy the requirements of both the**
13 **petition for removal and the petition for classification.**

589.440. 1. Any person who was registered on December 31, 2013, as a sex offender
2 **shall remain an unclassified offender unless the offender chooses to file a petition with the**
3 **court for classification.**

4 **2. Any person who registers on or after January 1, 2014, as a sex offender is**
5 **required to be classified and shall be automatically designated on a Sex Offender**
6 **Classification Form by the registering law enforcement official, as an Offender Pending**
7 **Classification within the time frames and in the manner prescribed under the provisions**
8 **of section 589.444.**

9 **3. Any unclassified offender or person designated as an Offender Pending**
10 **Classification may be classified by the court as a Tier I, II, or III offender.**

11 **4. A Tier III offender is any person whom the court determines to be a high risk**
12 **to reoffend.**

13 **5. A Tier II offender is any person whom the court determines to be a moderate**
14 **risk to reoffend.**

15 **6. A Tier I offender is any person whom the court determines to be a low risk to**
16 **reoffend.**

17 **7. Any unclassified offender may file a petition for classification with the court at**
18 **any time under the provisions of section 589.446. If the unclassified offender chooses to file**
19 **a petition for classification the offender shall include with the petition a sex offender risk**
20 **assessment report completed by a mental health provider approved by the department of**
21 **corrections. In addition the unclassified offender shall mail a file stamped copy of the**
22 **petition for classification and sex offender risk assessment report by registered mail, return**
23 **receipt requested, to the department of corrections at the address designated by the**
24 **department for receipt of file stamped petitions and sex offender risk assessment reports**
25 **under subsection 8 of section 589.446. The offender shall also file a document with the**
26 **court prior to the hearing date certifying that the offender has complied with the mailing**
27 **requirements of this subsection and along with it shall file the return registered mail**
28 **receipt.**

29 **8. Any Offender Pending Classification who chooses to file a petition for**
30 **classification shall file the petition within six months from the date of his or her designation**
31 **as an Offender Pending Classification. The offender shall include with the petition a sex**
32 **offender risk assessment report completed by a mental health provider approved by the**
33 **department of corrections. In addition the Offender Pending Classification shall, within**
34 **ten business days of the date of filing the petition, deliver to the department of corrections,**
35 **by mail or any other means, a file stamped copy of the petition for classification and the**
36 **sex offender risk assessment report.**

37 **9. If the Offender Pending Classification fails to file a petition for classification**
38 **along with a sex offender risk assessment report completed by a mental health provider**
39 **approved by the department of corrections with the court within the six-month time limit**
40 **or fails to deliver a file stamped copy of the petition for classification and sex offender risk**
41 **assessment report to the department of corrections within the ten-day time limit, the**
42 **department of corrections shall automatically classify the offender as a Tier III offender**
43 **and shall, within three business days of the date of classification, mail a copy of the Sex**
44 **Offender Classification Form and a Tier III Offender's Packet to the offender at the**
45 **address listed on the sex offender registry, and forward a copy of the Sex Offender**
46 **Classification Form by electronic or other means to the court in which the petition should**
47 **have been filed and to the chief law enforcement official in the county or city not within a**
48 **county where the offender resides according to the address listed on sex offender registry.**

49 **10. The chief law enforcement official shall within three business days of receipt**
50 **of the Sex Offender Classification Form from the department, enter the offender's Tier**
51 **level on their local law enforcement registry, if any, and on their local public website, if**
52 **any, and enter the offender's Tier level into the Missouri uniform law enforcement system**

53 (MULES). The chief law enforcement official shall also, within three business days,
54 forward the Sex Offender Classification Form to the Missouri state highway patrol.

55 11. The Missouri state highway patrol shall within three business days of receipt
56 of the Sex Offender Classification Form, enter the offenders Tier level on the sex offender
57 registry and on the public website.

58 12. The court, upon receipt of a Tier III classification form for an offender, shall
59 check to see if the offender has a petition for classification pending with the court and if
60 so the court shall immediately dismiss the petition for classification.

61 13. If the court does not dismiss the petition for classification under the provisions
62 of subsection 12 of this section or under any provision of section 589.446, the court shall
63 hold a hearing on the petition within thirty days of the date the petition was filed. Upon
64 conclusion of the hearing the court shall classify the offender as a Tier I, II, or III offender
65 and shall designate that classification on a Sex Offender Classification Form in accordance
66 with the provisions of section 589.446.

67 14. Any person who has been classified as a Tier III or Tier II offender may file a
68 petition for reclassification under the provisions of section 589.448.

69 15. If an offender chooses to file a petition for reclassification, the offender shall file
70 the petition in accordance with the provisions of section 589.448. The offender shall
71 include with the petition a sex offender risk assessment report completed by a mental
72 health provider approved by the department of corrections. In addition the offender shall,
73 within ten business days of the date of filing the petition, deliver a file stamped copy of the
74 petition for reclassification and the sex offender risk assessment report to the department
75 of corrections by sending them registered mail, return receipt requested, to the department
76 at the address furnished by the department for receipt of such petitions and sex offender
77 risk assessment reports. Service by mail shall be proved by a certificate of the petitioner
78 that he or she has mailed a file stamped copy of the petition for reclassification and sex
79 offender risk assessment report by registered mail, return receipt requested, and by the
80 return registered mail receipt which shall be filed as a document in the case.

81 16. If the court determines that an offender has failed to deliver a file stamped copy
82 of the petition for reclassification and sex offender risk assessment report to the
83 department of corrections within the ten day time limit, the court shall dismiss the petition
84 for reclassification.

85 17. If the court does not dismiss the petition for reclassification under the
86 provisions of subsection 16 of this section or under any provision of section 589.448, the
87 court shall hold a hearing on the petition within thirty days of the date the petition was
88 filed. Upon conclusion of the hearing the court shall classify the offender as a Tier I, II,

89 or III offender and shall designate that classification on a Sex Offender Classification Form
90 in accordance with the provisions of section 589.448.

2 **589.442. 1. The department of corrections shall, prior to January 1, 2014, develop**
3 **an Unclassified Offender Packet for the departments use in notifying all offenders**
4 **registered as sex offenders on December 31, 2013, of recent changes in the sex offender**
5 **registration laws, their new status as unclassified offenders, the possibility that they may**
6 **have new reporting requirements, and their right to be classified by the court as a Tier I,**

7 **II, or III offender.**
8 **2. The contents of the Unclassified Offender Packet shall be determined by the**

9 **department but at a minimum shall include the following:**

10 **(1) A notice to the offender of the following statement:**
11 **"Recent changes to the sex offender registration law have made it possible for you**
12 **to be classified by the court as either a Tier I, II, or III offender. You are now considered**
13 **an unclassified offender. If you do not take any action to be classified by the court you will**
14 **remain an unclassified offender and will be required to meet the new reporting**
15 **requirements for an unclassified offender under section 589.414, RSMo, a copy of which**
16 **is included in this packet.**

17 **If you want to be classified by the court as a Tier I, II, or III offender, you may at**
18 **any time file a petition for classification with the court under the provisions of section**
19 **589.446, RSMo, a copy of which is included in this packet.**

20 **In order to file a petition for classification with the court you must also file, as part**
21 **of the petition, a sex offender risk assessment report.**

22 **This means you would need to be risk assessed by and pay a fee to a mental health**
23 **provider who has been approved by the department of corrections to provide sex offender**
24 **risk assessments. You may only be risk assessed one time by a mental health provider for**
25 **each petition filed with the court. A copy of the sexual offender mental health providers**
26 **list is included in this packet.**

27 **If you file a petition for classification with the court you are also required to mail**
28 **a file stamped copy of the petition and risk assessment report by registered mail, return**
29 **receipt requested to the department of corrections within ten days of filing the petition, to**
30 **the address designated by the department for receipt of such petitions and risk assessment**
31 **reports. The designated address is included in this packet. If you fail to do so the court**
32 **will dismiss your petition for classification.";**

33 **(2) A copy of section 589.414;**

34 **(3) A copy of section 589.446;**

(4) A copy of the approved sexual offender mental health providers list;

35 **(5) The address which the department designates to receive petitions for**
36 **classification and sex offender risk assessment reports from the sex offender.**

37 **3. The department of corrections shall, prior to January 15, 2014, notify the**
38 **offender of his or her new status as an unclassified offender by mailing a copy of the**
39 **Unclassified Offenders Packet to the offender at the address listed on the sex offender**
40 **registry.**

589.444. 1. Whenever an offender registers as a sex offender the registering law
2 **enforcement official shall designate the offender as an Offender Pending Classification on**
3 **the Sex Offender Classification Form and give a copy of the Sex Offender Classification**
4 **Form and the Offender Pending Classification Packet to the offender.**

5 **2. The registering law enforcement official shall, within three business days of the**
6 **date of designation of the offender, enter the offender's designation as an Offender Pending**
7 **Classification into the Missouri uniform law enforcement system (MULES), forward a**
8 **copy of the Sex Offender Classification Form to the Missouri state highway patrol and to**
9 **the department of corrections, and shall enter the offender's designation on their local sex**
10 **offender registry, if any.**

11 **3. The Missouri state highway patrol shall, within three business days of receipt of**
12 **the Sex Offender Classification Form, enter the offender's designation as an Offender**
13 **Pending Classification on the sex offender registry.**

589.446. 1. Any unclassified offender or any offender designated as an Offender
2 **Pending Classification may file a petition to be classified by the court as a Tier I, II, or III**
3 **offender in the division of the circuit court in the county or city not within a county in**
4 **which the offense required registration was adjudicated, or if such offense was adjudicated**
5 **outside the state of Missouri, in the division of the circuit court in the county or city not**
6 **within a county in which such person resides.**

7 **2. An Offender Pending Classification's petition for classification shall be dismissed**
8 **with prejudice if the court receives a Sex Offender Classification Form from the**
9 **department of corrections automatically classifying the petitioner as a Tier III offender**
10 **according to the provisions of section 589.440.**

11 **3. On the date of the hearing, an unclassified offender's petition for classification**
12 **shall be dismissed without prejudice if the offender has failed to file in the case a document**
13 **certifying that he or she has complied with the mailing requirements of subsection 7 of**
14 **section 589.440 or failed to file the return registered mail receipt required under subsection**
15 **7 of section 589.440.**

16 **4. The petition for classification shall be dismissed without prejudice if it fails to**
17 **include any of the following:**

18 **(1) A successfully completed sex offender risk assessment report completed by a**
19 **mental health professional on the approved sexual offender mental health providers list.**
20 **Any person required to submit a completed sex offender risk assessment shall not seek to**
21 **be or be assessed more than one time for each petition filed with the court. Any second or**
22 **subsequent sex offender risk assessments obtained shall not be valid or admissible in any**
23 **court action under this section;**

24 **(2) The petitioner's:**

25 **(a) Full name;**

26 **(b) Sex;**

27 **(c) Race;**

28 **(d) Date of birth;**

29 **(e) Last four digits of the petitioner's social security number;**

30 **(f) Address;**

31 **(g) Place of employment, school, or volunteer status;**

32 **(h) Education level;**

33 **(i) Employment history; and**

34 **(j) Fingerprints on an applicant fingerprint card;**

35 **(3) The nature of the offense for which the petitioner was required to register;**

36 **(4) The age of the victim at the time of the offense;**

37 **(5) The age of the petitioner at the time of the offense;**

38 **(6) Whether a weapon was used in the commission of the offense;**

39 **(7) The relationship of prior victims to the petitioner;**

40 **(8) The number of prior sexual offenses and victims;**

41 **(9) The number of prior nonsexual violent offenses;**

42 **(10) The number of prior noncontact sexual offenses;**

43 **(11) The duration of the petitioner's prior offense history;**

44 **(12) The current age of the petitioner;**

45 **(13) Whether the petitioner demonstrates a physical condition that minimizes the**
46 **risk of reoffense, including but not limited to, advanced age or a debilitating illness or**
47 **physical condition;**

48 **(14) Whether the petitioner has indicated that he or she will reoffend;**

49 **(15) Whether the petitioner has a history of substance abuse;**

50 **(16) The availability of community supports to the petitioner;**

51 **(17) Whether the petitioner has received any sex offender treatment in the past and**
52 **if so whether or not it was successfully completed;**

53 **(18) Whether the petitioner has been diagnosed by any mental health professional**
54 **with a mental or emotional disorder and if so the disorders that were diagnosed, the dates**
55 **of diagnosis, the dates and type of treatment received for the disorders and whether or not**
56 **the treatment was successfully completed;**

57 **(19) Whether the petitioner has been adjudicated for failure to register in any**
58 **jurisdiction; and**

59 **(20) Whether the petitioner has any charges pending for failure to register.**

60 **5. The petitioner shall name as respondents the Missouri state highway patrol, the**
61 **prosecuting or circuit attorney in the county or city not within a county in which the**
62 **petition is filed, and the chief law enforcement official in the county or city not within a**
63 **county where the petitioner resides.**

64 **6. All proceedings under this section shall be governed under the Missouri supreme**
65 **court rules of civil procedure.**

66 **7. In order to verify the criminal history of the petitioner the fingerprint card filed**
67 **with the petition shall be examined by the Missouri state highway patrol and the Federal**
68 **Bureau of Investigation.**

69 **8. The prosecuting or circuit attorney in the county or city not within a county in**
70 **which the petition is filed shall be given an opportunity to present evidence at the hearing**
71 **on the petition.**

72 **9. The prosecuting or circuit attorney shall have access to all applicable records**
73 **concerning the petitioner, including but not limited to, criminal history records, mental**
74 **health records, juvenile records, and records of the department of corrections and**
75 **probation and parole.**

76 **10. The prosecuting or circuit attorney shall make reasonable efforts to notify the**
77 **victim of the crime for which the person was required to register of the petition and the**
78 **date and time of the hearing on the petition.**

79 **11. If the petition for classification is not dismissed under subsection 2, 3, or 4 of**
80 **this section, the court shall hold a hearing on the petition within thirty days of the date the**
81 **petition was filed and shall hear evidence offered by the petitioner or the prosecuting or**
82 **circuit attorney concerning the level at which the petitioner should be classified.**

83 **12. In making its classification decision the court shall consider the following:**

84 **(1) The information contained in the petition;**

85 **(2) Evidence offered at the hearing; and**

86 **(3) The sex offender risk assessment report.**

87 **13. The court shall classify the petitioner as a Tier III offender if the court finds**
88 **that the petitioner is a high risk to reoffend.**

89 **14. The court shall classify the petitioner as a Tier II offender if the court finds that**
90 **the petitioner is a moderate risk to reoffend.**

91 **15. The court shall classify the petitioner as a Tier I offender if the court finds that**
92 **the petitioner is a low risk to reoffend.**

93 **16. Within three business days of classification of the offender by the court, the**
94 **court shall give a copy of the completed Sex Offender Classification Form to the petitioner**
95 **and forward a copy of the completed Sex Offender Classification Form to the Missouri**
96 **state highway patrol and to the registering law enforcement official in the county where**
97 **the petitioner resides.**

98 **17. Within three business days of receipt of the Sex Offender Classification Form**
99 **from the court, the Missouri state highway patrol shall:**

100 **(1) If the offender is an unclassified offender who has been classified by the court**
101 **as a Tier III offender, enter the offender's classification level on the sex offender registry**
102 **and on the public website;**

103 **(2) If the offender is an unclassified offender who has been classified by the court**
104 **as a Tier I or II offender, enter the offender's classification level on the sex offender**
105 **registry and remove the offender's name and information from the public website;**

106 **(3) If the offender is an Offender Pending Classification who has been classified by**
107 **the court as a Tier III offender, enter the offender's classification level on the sex offender**
108 **registry and enter the offender's name, information, and classification level on the public**
109 **website;**

110 **(4) If the offender is an Offender Pending Classification who has been classified by**
111 **the court as a Tier I or II offender, enter the offender's classification level on the sex**
112 **offender registry.**

113 **18. Within three business days of receipt of the Sex Offender Classification Form**
114 **from the court, the registering law enforcement official in the county where the petition**
115 **was filed and the registering law enforcement official in the county where the petitioner**
116 **resides shall:**

117 **(1) If the offender is an unclassified offender who has been classified by the court**
118 **as a Tier III offender, enter the offender's classification level into the Missouri law**
119 **enforcement system (MULES) and enter the offender's classification level on their local law**
120 **enforcement registry and on their local public website, if any;**

121 **(2) If the offender is an unclassified offender who has been classified by the court**
122 **as a Tier I or II offender, enter the offender's classification level into the Missouri uniform**
123 **law enforcement system (MULES), enter the offender's classification level on their local**

124 sex offender registry, and remove the offender's name and information from their local
125 public website, if any;

126 (3) If the offender is an Offender Pending Classification who has been classified by
127 the court as a Tier III offender, enter the offender's classification level into the Missouri
128 uniform law enforcement system (MULES), enter the offender's classification level on their
129 local sex offender registry and enter the offender's name, information, and classification
130 level on their local public website, if any;

131 (4) If the offender is an Offender Pending Classification who has been classified by
132 the court as a Tier I or II offender, enter the offender's classification level into the Missouri
133 uniform law enforcement system (MULES) and enter the offender's classification level on
134 their local law enforcement registry.

589.448. 1. Any offender classified as a Tier III or II offender may file a petition
2 to be reclassified by the court in the division of the circuit court in the county or city not
3 within a county in which the offense requiring registration was adjudicated, or if such
4 offense was adjudicated outside the state of Missouri, in the division of the circuit court in
5 the county or city not within a county in which such person resides.

6 2. The petition for reclassification shall be dismissed without prejudice if the
7 petitioner has not filed the following as documents in the case prior to the hearing date:

8 (1) A certificate of the petitioner that he or she has mailed a file stamped copy of
9 the petition for reclassification and sex offender risk assessment report by registered mail,
10 return receipt requested, to the department of corrections at the address designated by the
11 department for receipt of file stamped petitions and sex offender risk assessment reports;
12 and

13 (2) The return registered mail receipt.

14 3. The petition for reclassification shall be dismissed without prejudice if it fails to
15 include any of the following:

16 (1) A successfully completed sex offender risk assessment report completed by a
17 mental health professional on the approved sexual offender mental health providers list.
18 Any person required to submit a completed sex offender risk assessment shall not seek to
19 be or be assessed more than one time for each petition filed with the court. Any second or
20 subsequent sex offender risk assessments obtained shall not be valid or admissible in any
21 court action under this section;

22 (2) The petitioner's:

23 (a) Full name;

24 (b) Sex;

25 (c) Race;

- 26 **(d) Date of birth;**
27 **(e) Last four digits of the petitioner's Social Security number;**
28 **(f) Address;**
29 **(g) Place of employment, school, or volunteer status;**
30 **(h) Education level;**
31 **(i) Employment history;**
32 **(j) Fingerprints on an applicant fingerprint card; and**
33 **(k) Classification level;**
34 **(3) The nature of the offense for which the petitioner was required to register;**
35 **(4) The age of the victim at the time of the offense;**
36 **(5) The age of the petitioner at the time of the offense;**
37 **(6) Whether a weapon was used in the commission of the offense;**
38 **(7) The relationship of prior victims to the petitioner;**
39 **(8) The number of prior sexual offenses and victims;**
40 **(9) The number of prior nonsexual violent offenses;**
41 **(10) The number of prior noncontact sexual offenses;**
42 **(11) The duration of the petitioner's prior offense history;**
43 **(12) The current age of the petitioner;**
44 **(13) Whether the petitioner demonstrates a physical condition that minimizes the**
45 **risk of reoffense, including but not limited to, advanced age or a debilitating illness or**
46 **physical condition;**
47 **(14) Whether the petitioner has indicated that he or she will reoffend;**
48 **(15) Whether the petitioner has a history of substance abuse;**
49 **(16) The availability of community supports to the petitioner;**
50 **(17) Whether the petitioner has received any sex offender treatment in the past and**
51 **if so whether or not it was successfully completed;**
52 **(18) Whether the petitioner has been diagnosed by any mental health professional**
53 **with a mental or emotional disorder and if so the disorders that were diagnosed, the dates**
54 **of diagnosis, the dates and type of treatment received for the disorders and whether or not**
55 **the treatment was successfully completed;**
56 **(19) Whether the petitioner has been adjudicated for failure to register in any**
57 **jurisdiction; and**
58 **(20) Whether the petitioner has any charges pending for failure to register.**
59 **4. The petitioner shall name as respondent the Missouri state highway patrol, the**
60 **prosecuting or circuit attorney in the county or city not within a county in which the**

61 petition is filed and the chief law enforcement official in the county or city not within a
62 county where the petitioner resides.

63 **5. All proceedings under this section shall be governed under the Missouri supreme**
64 **court rules of civil procedure.**

65 **6. In order to verify the criminal history of the petitioner the fingerprint card filed**
66 **with the petition shall be examined by the Missouri state highway patrol and the Federal**
67 **Bureau of Investigation.**

68 **7. The prosecuting or circuit attorney in the county or city not within a county in**
69 **which the petition is filed shall be given an opportunity to present evidence at the hearing**
70 **on the petition.**

71 **8. The prosecuting or circuit attorney shall have access to all applicable records**
72 **concerning the petitioner, including but not limited to, criminal history records, mental**
73 **health records, juvenile records, and records of the department of corrections and**
74 **probation and parole.**

75 **9. The prosecuting or circuit attorney shall make reasonable efforts to notify the**
76 **victim of the crime for which the person was required to register of the petition and the**
77 **date and time of the hearing on the petition.**

78 **10. If the petition for reclassification has not been dismissed by the court under**
79 **subsections 2 and 3 of this section, the court shall hold a hearing on the petition within**
80 **thirty days of the date the petition was filed and shall hear evidence offered by the**
81 **petitioner or the prosecuting or circuit attorney concerning whether the petitioner should**
82 **be reclassified to a lower Tier level.**

83 **11. In making its reclassification decision the court shall consider the following:**

84 **(1) The information contained in the petition;**

85 **(2) Evidence offered at the hearing; and**

86 **(3) The sex offender risk assessment report.**

87 **12. The court shall maintain the Tier III classification level of a petitioner that was**
88 **already classified as a Tier III offender if the court finds that the petitioner is still a high**
89 **risk to reoffend.**

90 **13. The court shall maintain the Tier II classification level of a petitioner that was**
91 **already classified as a Tier II offender if the court finds that the petitioner is still a**
92 **moderate risk to reoffend.**

93 **14. The court shall reclassify a Tier III offender as a Tier I or II offender if the**
94 **court finds that the petitioner is now a moderate or low risk to reoffend.**

95 **15. The court shall reclassify a Tier II offender as a Tier I offender if the court**
96 **finds that the petitioner is now a low risk to reoffend.**

97 **16. Within three business days of reclassification of the offender by the court, the**
98 **court shall give a copy of the completed Sex Offender Classification Form to the petitioner**
99 **and forward a copy of the completed Sex Offender Classification Form to the Missouri**
100 **state highway patrol and to the registering law enforcement official in the county where**
101 **the petitioner resides.**

102 **17. Within three business days of receipt of the Sex Offender Classification Form**
103 **from the court, the Missouri state highway patrol shall:**

104 **(1) If the offender's classification has been lowered by the court from a Tier III**
105 **offender to a Tier I or II offender, replace the offender's classification as a Tier III**
106 **offender with the new classification level on the sex offender registry and remove the**
107 **offender's name and information from the public website; or**

108 **(2) If the offender's classification has been lowered by the court from a Tier II**
109 **offender to a Tier I offender, replace the offender's classification as a Tier II offender with**
110 **the new classification level on the sex offender registry.**

111 **18. Within three business days of receipt of the Sex Offender Classification Form**
112 **from the court, the registering law enforcement official in the county where the petitioner**
113 **resides shall:**

114 **(1) If the offender's classification has been lowered by the court from a Tier III**
115 **offender to a Tier I or II offender, enter the offender's new Tier level into the Missouri**
116 **uniform law enforcement system (MULES), replace the offender's classification as a Tier**
117 **III offender with the new classification level on their local sex offender registry, and**
118 **remove the offender's name and information from their local public website, if any; or**

119 **(2) If the offender's classification has been lowered by the court from a Tier II**
120 **offender to a Tier I offender, enter the offender's new Tier level into the Missouri uniform**
121 **law enforcement system (MULES) and replace the offender's classification as a Tier II**
122 **offender with the new classification level on their local sex offender registry.**

589.450. 1. The department of corrections shall, prior to January 1, 2014, develop
2 **a Sex Offender Classification Form to be used by the department and the courts to classify**
3 **registered sex offenders or to be used by registering law enforcement officials to designate**
4 **an offender as an Offender Pending Classification. The department shall, prior to January**
5 **1, 2014, provide the Sex Offender Classification Forms to the Missouri state highway**
6 **patrol, all registering law enforcement officials, and all circuit courts in this state.**

7 **2. The contents of the Sex Offender Classification Form shall be determined by the**
8 **department but at a minimum shall include the following:**

9 **(1) A place to classify the offender as one of the following:**

10 **(a) A Tier I offender;**

- 11 (b) A Tier II offender;
12 (c) A Tier III offender; or
13 (2) A place to designate the offender as an Offender Pending Classification;
14 (3) A place to enter the name of the offender; and
15 (4) A place for the department, registering law enforcement official, or court to sign
16 and date the classification.

589.452. 1. The department of corrections shall, prior to January 1, 2014, develop
2 a Tier III Offender's Packet to be used by the department when it automatically classifies
3 an offender as a Tier III offender.

2. The contents of the Tier III Offender's Packet shall be determined by the
5 department but at a minimum shall include the following:

6 (1) A notice to the offender of the following statement:

7 " You have been automatically classified by The Department of Corrections as a
8 Tier III offender.

9 As a Tier III offender you are now required to meet the reporting requirements for
10 a Tier III offender under section 589.414, RSMo, a copy of which is included in this packet.

11 If you do not believe you should be classified as a Tier III offender you may be able
12 to file a petition for reclassification with the court under section 589.448, RSMo, a copy of
13 which is included in this packet.

14 In order to file a petition for reclassification with the court you must also file, as
15 part of the petition, a sex offender risk assessment report.

16 This means you would need to be risk assessed by and pay a fee to a mental health
17 provider who has been approved by the department of corrections to provide sex offender
18 risk assessments. You may only be risk assessed one time by a mental health provider for
19 each petition filed with the court. A copy of the approved sexual offender mental health
20 providers list is included in this packet.

21 If you file a petition for reclassification with the court you are also required to
22 deliver a file stamped copy of the petition and risk assessment report to the department of
23 corrections, within ten days of filing the petition, to the address designated by the
24 department for receipt of such petitions and risk assessment reports. The designated
25 address is included in this packet. If you fail to do so the court will deny your petition for
26 reclassification.";

27 (2) A copy of section 589.414;

28 (3) A copy of section 589.448;

29 (4) A copy of the approved sexual offender mental health providers list;

30 **(5) The address which the department designates to receive petitions for**
31 **reclassification and sex offender risk assessment reports from the sex offender.**

589.454. 1. The department of corrections shall, prior to January 1, 2014, develop
2 **an Offender Pending Classification Packet to be used by all registering law enforcement**
3 **officials. The department shall, prior to January 1, 2014, provide the Offender Pending**
4 **Classification Packets to all registering law enforcement officials in this state.**

5 **2. The contents of the Offender Pending Classification Packet shall be determined**
6 **by the department but at a minimum shall include the following:**

7 **(1) A notice to the offender of the following statement:**

8 **"You have been designated by the registering law enforcement official as an**
9 **Offender Pending Classification.**

10 **As an Offender Pending Classification you are now required to meet the reporting**
11 **requirements for a Tier III offender under section 589.414, RSMo, a copy of which is**
12 **included in this packet.**

13 **As an Offender Pending Classification, if you fail to take any action to be classified**
14 **by the court as a Tier I, II, or III offender, you will, six months from the date of your**
15 **designation as an Offender Pending Classification, be automatically classified by the**
16 **department of corrections as a Tier III offender.**

17 **If you want to be classified by the court as a Tier I, II, or III offender, you have six**
18 **months from the date of your designation as an Offender Pending Classification to file a**
19 **petition for classification with the court under the provisions of section 589.446, RSMo, a**
20 **copy of which is included in this packet.**

21 **In order to file a petition for classification with the court you must also file, as part**
22 **of the petition, a sex offender risk assessment report.**

23 **This means you would need to be risk assessed by and pay a fee to a mental health**
24 **provider who has been approved by the department of corrections to provide sex offender**
25 **risk assessments. You may only be risk assessed one time by a mental health provider for**
26 **each petition filed with the court. A copy of the approved sexual offender mental health**
27 **providers list is included in this packet.**

28 **If you file a petition for classification with the court you are also required to deliver**
29 **a file stamped copy of the petition and risk assessment report to the department of**
30 **corrections, within ten days of filing the petition, to the address designated by the**
31 **department for receipt of such petitions and risk assessment reports. The designated**
32 **address is included in this packet.**

33 **If you fail to file the petition for classification along with the risk assessment report**
34 **within the six-month time limit or if you fail to send to the department of corrections a file**

35 stamped copy of the petition and risk assessment report within the ten day time limit, the
36 department of corrections will automatically classify you as a Tier III offender and any
37 petition for classification you have pending before the court will be dismissed by the
38 court.";

39 (2) A copy of section 589.414;

40 (3) A copy of section 589.446;

41 (4) A copy of the approved sexual offender mental health providers list;

42 (5) The address which the department designates to receive petitions for
43 classification and sex offender risk assessment reports from the sex offender.

589.456. 1. The department of corrections shall, prior to January 1, 2014,
2 determine the maximum fee for sex offender risk assessments which may be charged by a
3 mental health professional who is included on the sexual offender mental health providers
4 list developed under subsection 2 of this section. The fee shall be in an amount adequate
5 to cover the cost of a sex offender risk assessment, including a successfully completed sex
6 offender risk assessment report as described in subsection 7 of this section and which is
7 required by the court to be included in any petition for classification, reclassification or
8 removal.

9 2. The department of corrections shall, prior to January 1, 2014, develop an
10 approved list of mental health professionals, as defined in section 632.005, who are
11 qualified under the provisions of subsection 3 of this section, willing to conduct risk
12 assessments on sex offenders for a fee less than or equal to the maximum risk assessment
13 fee set by the department under the provisions of subsection 1 of this section, willing to use
14 one of the sex offender risk assessment tools approved by the department under subsection
15 4 of this section to perform the risk assessment, and willing to successfully complete a sex
16 offender risk assessment report as described in subsection 7 of this section, within fifteen
17 days of the interview of the offender or the completion of the sex offender risk assessment
18 tool, whichever is later. The list shall be called the "Sexual Offender Mental Health
19 Providers List" and shall, if possible, contain mental health professionals in every county
20 in the state. The list shall include the address and telephone number of each provider on
21 the list. The department shall review the sexual offender mental health providers list on
22 an annual basis to make any required changes, deletions, or additions.

23 3. The department of corrections shall, prior to January 1, 2014, determine the
24 qualifications necessary for a mental health professional to be included on the sex offender
25 mental health providers list, but at a minimum the qualifications shall include the
26 following:

27 (1) The mental health professional shall be licensed;

28 **(2) The mental health professional shall have a minimum of two years experience**
29 **in treating or assessing sex offenders;**

30 **(3) The mental health professional shall have completed a minimum of twelve hours**
31 **of continuing education, approved by the licensing board, on performing sex offender risk**
32 **assessments and using sex offender risk assessment tools; and**

33 **(4) The mental health professional shall continue to complete, every three years, a**
34 **minimum of twelve hours of continuing education, approved by the licensing board, on**
35 **performing sex offender risk assessments and using sex offender risk assessment tools.**

36 **4. The department of corrections shall, prior to January 1, 2014, evaluate existing**
37 **sex offender risk assessment tools as defined in subsection 5 of this section and approve one**
38 **or more of such tools for use by the mental health providers in conducting the assessments**
39 **and completing a sex offender risk assessment report. The department shall not approve**
40 **any sex offender risk assessment tool unless it includes both dynamic and static risk factors**
41 **as those terms are defined in subsection 5 of this section. The department shall, prior to**
42 **January 1, 2014, provide the list of approved tools, in any manner it chooses to each mental**
43 **health professional on the mental health providers list.**

44 **5. As used in this section the following terms shall mean:**

45 **(1) "Dynamic risk factors", those factors that depend on an offender's behavior**
46 **after being convicted, including but not limited to, whether he or she successfully completes**
47 **a treatment program for drug or alcohol abuse or a sex offender treatment program or**
48 **whether the offender has had any disciplinary issues while incarcerated or on probation**
49 **or parole;**

50 **(2) "Sex offender risk assessment tool", a test that contains questions that research**
51 **has shown are related to the odds of an offender reoffending;**

52 **(3) "Static risk factors", those factors that usually do not change while an offender**
53 **is in prison or on probation, including but not limited to, prior sex offense convictions,**
54 **whether he or she offended in a public place, used force, victimized strangers or has a**
55 **history of drug or alcohol abuse.**

56 **6. Beginning January 1, 2015, and annually thereafter, the department shall review**
57 **the usefulness and accuracy of the approved sex offender risk assessment tools and may,**
58 **during any such review, change the tools that are approved for use. If the department**
59 **makes a change, it shall immediately provide the new list of approved tools, in any manner**
60 **it chooses, to each mental health professional on the mental health providers list.**

61 **7. The department of corrections shall, prior to January 1, 2014, determine the**
62 **necessary requirements for a successfully completed sex offender risk assessment report**
63 **but at a minimum shall require that:**

64 **(1) The report includes a summary of an in-person interview of the offender by the**
65 **mental health provider;**

66 **(2) The report includes a copy of the approved sex offender risk assessment tool**
67 **used by the mental health provider and includes its outcome; and**

68 **(3) The report includes the mental health providers opinion as to whether the**
69 **offender presents a low, moderate, or high risk of reoffense.**

70

71 **No sex offender shall be risk assessed by or obtain a risk assessment report from a mental**
72 **health professional more than one time for each petition filed with the court. No mental**
73 **health professional shall risk assess or complete a risk assessment of a sex offender who has**
74 **previously been risk assessed by or obtained a completed risk assessment from another**
75 **mental health professional for the same petition.**

76 **8. The department of corrections shall, prior to January 1, 2014, publish on its**
77 **website and on the sex offender website the address which the department has designated**
78 **to receive petitions for classification or reclassification and risk assessment reports sent to**
79 **it by sex offenders under the provisions of sections 589.430 to 589.456.**

80 **9. The department of corrections shall, prior to January 1, 2014, develop and**
81 **implement a filing system to file and track petitions for classification and their**
82 **accompanying sex offender risk assessment reports in order to determine whether the**
83 **petitions were filed within the six-month time limit under section 589.440 and whether the**
84 **petition and sex offender risk assessment reports were delivered to the department within**
85 **the ten day time limit under section 589.440.**

86 **10. Beginning January 1, 2014, the department of corrections shall accept and file**
87 **for tracking and review purposes all petitions for classification, petitions for**
88 **reclassification, petitions for removal, and sex offender risk assessment reports delivered**
89 **to the department by offenders under the provisions of sections 589.416, 589.418, 589.440,**
90 **589.446, and 589.448.**

91 **11. Beginning January 1, 2014, the department of corrections shall review, on an**
92 **annual basis, all sex offender risk assessment reports it receives under the provisions of**
93 **sections 589.416, 589.418, 589.440, 589.446, and 589.448 to determine if the mental health**
94 **providers are successfully completing the sex offender risk assessment reports and if not,**
95 **the department shall remove those mental health professionals from the approved sexual**
96 **offender mental health providers list. In addition the department shall remove any mental**
97 **health professional who does not continue to meet the qualifications set forth in subsection**
98 **3 of this section or the requirements set forth in subsection 2 of this section. The**
99 **department may add any mental health professional who meets the requirements and**

100 **qualifications of this section to the approved sexual offender mental health providers list**
101 **at any time.**

Section B. The repeal and reenactment of sections 43.650, 589.400, 589.402, 589.403,
2 589.405, 589.407, 589.410, and 589.414 of this act and the enactment of sections 589.416,
3 589.418, 589.440, 589.442, 589.444, 589.446, and 589.448 of this act shall become effective on
4 January 1, 2014.

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