

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 589

97TH GENERAL ASSEMBLY

0193L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.093, 566.095, 566.100, 566.212, 566.224, 566.226, 568.060, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, 589.414, 590.700, and 632.480, RSMo, and to enact in lieu thereof seventy-eight new sections relating to sex offender registration and classification, with penalty provisions, an emergency clause and effective date for certain sections.

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

Section A. Sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.093, 566.095, 566.100, 566.212, 566.224, 566.226, 568.060, 589.015, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, 589.414, 590.700, and 632.480, RSMo, are repealed and seventy-eight new sections enacted in lieu thereof, to be known as sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 375.1312, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030,

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.

13 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083,
14 566.093, 566.095, 566.100, 566.101, 566.212, 566.224, 566.226, 568.060, 589.015, 589.400,
15 589.402, 589.403, 589.405, 589.407, 589.410, 589.414, 589.416, 589.418, 589.440, 589.442,
16 589.444, 589.446, 589.448, 589.450, 589.452, 589.454, 589.456, 590.700, and 632.480, to read
17 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,
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 subdivision; and**

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

160.261. 1. The local board of education of each school district shall clearly establish
2 a written policy of discipline, including the district's determination on the use of corporal
3 punishment and the procedures in which punishment will be applied. A written copy of the
4 district's discipline policy and corporal punishment procedures, if applicable, shall be provided
5 to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning
6 of each school year and also made available in the office of the superintendent of such district,
7 during normal business hours, for public inspection. All employees of the district shall annually
8 receive instruction related to the specific contents of the policy of discipline and any
9 interpretations necessary to implement the provisions of the policy in the course of their duties,
10 including but not limited to approved methods of dealing with acts of school violence,
11 disciplining students with disabilities and instruction in the necessity and requirements for
12 confidentiality.

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need

15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in
20 subdivision (6) of section 565.002 to another person while on school property, including a school
21 bus in service on behalf of the district, or while involved in school activities. The policy shall
22 at a minimum require school administrators to report, as soon as reasonably practical, to the
23 appropriate law enforcement agency any of the following crimes, or any act which if committed
24 by an adult would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110;
- 28 (4) First degree assault under section 565.050;
- 29 (5) [Forcible] Rape **in the first degree** under section 566.030;
- 30 (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- 31 (7) Burglary in the first degree under section 569.160;
- 32 (8) Burglary in the second degree under section 569.170;
- 33 (9) Robbery in the first degree under section 569.020;
- 34 (10) Distribution of drugs under section 195.211;
- 35 (11) Distribution of drugs to a minor under section 195.212;
- 36 (12) Arson in the first degree under section 569.040;
- 37 (13) Voluntary manslaughter under section 565.023;
- 38 (14) Involuntary manslaughter under section 565.024;
- 39 (15) Second degree assault under section 565.060;
- 40 (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- 41 (17) Felonious restraint under section 565.120;
- 42 (18) Property damage in the first degree under section 569.100;
- 43 (19) The possession of a weapon under chapter 571;
- 44 (20) Child molestation in the first degree pursuant to section 566.067;
- 45 (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section
46 [566.070] **566.061**;
- 47 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 48 (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- 49 (24) Harassment under section 565.090; or
- 50 (25) Stalking under section 565.225; committed on school property, including but not
51 limited to actions on any school bus in service on behalf of the district or while involved in
52 school activities. The policy shall require that any portion of a student's individualized education

53 program that is related to demonstrated or potentially violent behavior shall be provided to any
54 teacher and other school district employees who are directly responsible for the student's
55 education or who otherwise interact with the student on an educational basis while acting within
56 the scope of their assigned duties. The policy shall also contain the consequences of failure to
57 obey standards of conduct set by the local board of education, and the importance of the
58 standards to the maintenance of an atmosphere where orderly learning is possible and
59 encouraged.

60 3. The policy shall provide that any student who is on suspension for any of the offenses
61 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
62 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
63 section shall have as a condition of his or her suspension the requirement that such student is not
64 allowed, while on such suspension, to be within one thousand feet of any school property in the
65 school district where such student attended school or any activity of that district, regardless of
66 whether or not the activity takes place on district property unless:

67 (1) Such student is under the direct supervision of the student's parent, legal guardian,
68 or custodian and the superintendent or the superintendent's designee has authorized the student
69 to be on school property;

70 (2) Such student is under the direct supervision of another adult designated by the
71 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school
72 which suspended the student and the superintendent or the superintendent's designee has
73 authorized the student to be on school property;

74 (3) Such student is enrolled in and attending an alternative school that is located within
75 one thousand feet of a public school in the school district where such student attended school;
76 or

77 (4) Such student resides within one thousand feet of any public school in the school
78 district where such student attended school in which case such student may be on the property
79 of his or her residence without direct adult supervision.

80 4. Any student who violates the condition of suspension required pursuant to subsection
81 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
82 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
83 given to whether the student poses a threat to the safety of any child or school employee and
84 whether such student's unsupervised presence within one thousand feet of the school is disruptive
85 to the educational process or undermines the effectiveness of the school's disciplinary policy.
86 Removal of any pupil who is a student with a disability is subject to state and federal procedural
87 rights. This section shall not limit a school district's ability to:

88 (1) Prohibit all students who are suspended from being on school property or attending
89 an activity while on suspension;

90 (2) Discipline students for off-campus conduct that negatively affects the educational
91 environment to the extent allowed by law.

92 5. The policy shall provide for a suspension for a period of not less than one year, or
93 expulsion, for a student who is determined to have brought a weapon to school, including but
94 not limited to the school playground or the school parking lot, brought a weapon on a school bus
95 or brought a weapon to a school activity whether on or off of the school property in violation of
96 district policy, except that:

97 (1) The superintendent or, in a school district with no high school, the principal of the
98 school which such child attends may modify such suspension on a case-by-case basis; and

99 (2) This section shall not prevent the school district from providing educational services
100 in an alternative setting to a student suspended under the provisions of this section.

101 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
102 under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a
103 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
104 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
105 knife; except that this section shall not be construed to prohibit a school board from adopting a
106 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
107 educational purposes so long as the firearm is unloaded. The local board of education shall
108 define weapon in the discipline policy. Such definition shall include the weapons defined in this
109 subsection but may also include other weapons.

110 7. All school district personnel responsible for the care and supervision of students are
111 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
112 property of the school, on any school bus going to or returning from school, during school-
113 sponsored activities, or during intermission or recess periods.

114 8. Teachers and other authorized district personnel in public schools responsible for the
115 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
116 care by the school district, shall not be civilly liable when acting in conformity with the
117 established policies developed by each board, including but not limited to policies of student
118 discipline or when reporting to his or her supervisor or other person as mandated by state law
119 acts of school violence or threatened acts of school violence, within the course and scope of the
120 duties of the teacher, authorized district personnel or volunteer, when such individual is acting
121 in conformity with the established policies developed by the board. Nothing in this section shall
122 be construed to create a new cause of action against such school district, or to relieve the school
123 district from liability for the negligent acts of such persons.

124 9. Each school board shall define in its discipline policy acts of violence and any other
125 acts that constitute a serious violation of that policy. "Acts of violence" as defined by school
126 boards shall include but not be limited to exertion of physical force by a student with the intent
127 to do serious bodily harm to another person while on school property, including a school bus in

128 service on behalf of the district, or while involved in school activities. School districts shall for
129 each student enrolled in the school district compile and maintain records of any serious violation
130 of the district's discipline policy. Such records shall be made available to teachers and other
131 school district employees with a need to know while acting within the scope of their assigned
132 duties, and shall be provided as required in section 167.020 to any school district in which the
133 student subsequently attempts to enroll.

134 10. Spanking, when administered by certificated personnel and in the presence of a
135 witness who is an employee of the school district, or the use of reasonable force to protect
136 persons or property, when administered by personnel of a school district in a reasonable manner
137 in accordance with the local board of education's written policy of discipline, is not abuse within
138 the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the
139 children's division shall not have jurisdiction over or investigate any report of alleged child abuse
140 arising out of or related to the use of reasonable force to protect persons or property when
141 administered by personnel of a school district or any spanking administered in a reasonable
142 manner by any certificated school personnel in the presence of a witness who is an employee of
143 the school district pursuant to a written policy of discipline established by the board of education
144 of the school district, as long as no allegation of sexual misconduct arises from the spanking or
145 use of force.

146 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
147 employee to a person employed in a school facility who is required to report such misconduct
148 to the children's division under section 210.115, such person and the superintendent of the school
149 district shall forward the allegation to the children's division within twenty-four hours of
150 receiving the information. Reports made to the children's division under this subsection shall
151 be investigated by the division in accordance with the provisions of sections 210.145 to 210.153
152 and shall not be investigated by the school district under subsections 12 to 20 of this section for
153 purposes of determining whether the allegations should or should not be substantiated. The
154 district may investigate the allegations for the purpose of making any decision regarding the
155 employment of the accused employee.

156 12. Upon receipt of any reports of child abuse by the children's division other than
157 reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165
158 which allegedly involve personnel of a school district, the children's division shall notify the
159 superintendent of schools of the district or, if the person named in the alleged incident is the
160 superintendent of schools, the president of the school board of the school district where the
161 alleged incident occurred.

162 13. If, after an initial investigation, the superintendent of schools or the president of the
163 school board finds that the report involves an alleged incident of child abuse other than the
164 administration of a spanking by certificated school personnel or the use of reasonable force to
165 protect persons or property when administered by school personnel pursuant to a written policy

166 of discipline or that the report was made for the sole purpose of harassing a public school
167 employee, the superintendent of schools or the president of the school board shall immediately
168 refer the matter back to the children's division and take no further action. In all matters referred
169 back to the children's division, the division shall treat the report in the same manner as other
170 reports of alleged child abuse received by the division.

171 14. If the report pertains to an alleged incident which arose out of or is related to a
172 spanking administered by certificated personnel or the use of reasonable force to protect persons
173 or property when administered by personnel of a school district pursuant to a written policy of
174 discipline or a report made for the sole purpose of harassing a public school employee, a
175 notification of the reported child abuse shall be sent by the superintendent of schools or the
176 president of the school board to the law enforcement in the county in which the alleged incident
177 occurred.

178 15. The report shall be jointly investigated by the law enforcement officer and the
179 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
180 enforcement officer and the president of the school board or such president's designee.

181 16. The investigation shall begin no later than forty-eight hours after notification from
182 the children's division is received, and shall consist of, but need not be limited to, interviewing
183 and recording statements of the child and the child's parents or guardian within two working days
184 after the start of the investigation, of the school district personnel allegedly involved in the
185 report, and of any witnesses to the alleged incident.

186 17. The law enforcement officer and the investigating school district personnel shall
187 issue separate reports of their findings and recommendations after the conclusion of the
188 investigation to the school board of the school district within seven days after receiving notice
189 from the children's division.

190 18. The reports shall contain a statement of conclusion as to whether the report of alleged
191 child abuse is substantiated or is unsubstantiated.

192 19. The school board shall consider the separate reports referred to in subsection 17 of
193 this section and shall issue its findings and conclusions and the action to be taken, if any, within
194 seven days after receiving the last of the two reports. The findings and conclusions shall be
195 made in substantially the following form:

196 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer
197 and the investigating school board personnel agree that there was not a preponderance of
198 evidence to substantiate that abuse occurred;

199 (2) The report of the alleged child abuse is substantiated. The law enforcement officer
200 and the investigating school district personnel agree that the preponderance of evidence is
201 sufficient to support a finding that the alleged incident of child abuse did occur;

202 (3) The issue involved in the alleged incident of child abuse is unresolved. The law
203 enforcement officer and the investigating school personnel are unable to agree on their findings
204 and conclusions on the alleged incident.

205 20. The findings and conclusions of the school board under subsection 19 of this section
206 shall be sent to the children's division. If the findings and conclusions of the school board are
207 that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated,
208 the case closed, and no record shall be entered in the children's division central registry. If the
209 findings and conclusions of the school board are that the report of the alleged child abuse is
210 substantiated, the children's division shall report the incident to the prosecuting attorney of the
211 appropriate county along with the findings and conclusions of the school district and shall
212 include the information in the division's central registry. If the findings and conclusions of the
213 school board are that the issue involved in the alleged incident of child abuse is unresolved, the
214 children's division shall report the incident to the prosecuting attorney of the appropriate county
215 along with the findings and conclusions of the school board, however, the incident and the names
216 of the parties allegedly involved shall not be entered into the central registry of the children's
217 division unless and until the alleged child abuse is substantiated by a court of competent
218 jurisdiction.

219 21. Any superintendent of schools, president of a school board or such person's designee
220 or law enforcement officer who knowingly falsifies any report of any matter pursuant to this
221 section or who knowingly withholds any information relative to any investigation or report
222 pursuant to this section is guilty of a class A misdemeanor.

223 22. In order to ensure the safety of all students, should a student be expelled for bringing
224 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for
225 the purposes of the accreditation process of the Missouri school improvement plan, be
226 considered a dropout or be included in the calculation of that district's educational persistence
227 ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary,
2 the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall,
3 as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of
4 the school district in which the pupil is enrolled when a petition is filed pursuant to subsection
5 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- 6 (1) First degree murder under section 565.020;
- 7 (2) Second degree murder under section 565.021;
- 8 (3) Kidnapping under section 565.110;
- 9 (4) First degree assault under section 565.050;
- 10 (5) [Forcible] Rape **in the first degree** under section 566.030;
- 11 (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- 12 (7) Burglary in the first degree under section 569.160;

- 13 (8) Robbery in the first degree under section 569.020;
- 14 (9) Distribution of drugs under section 195.211;
- 15 (10) Distribution of drugs to a minor under section 195.212;
- 16 (11) Arson in the first degree under section 569.040;
- 17 (12) Voluntary manslaughter under section 565.023;
- 18 (13) Involuntary manslaughter under section 565.024;
- 19 (14) Second degree assault under section 565.060;
- 20 (15) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- 21 (16) Felonious restraint under section 565.120;
- 22 (17) Property damage in the first degree under section 569.100;
- 23 (18) The possession of a weapon under chapter 571;
- 24 (19) Child molestation in the first degree pursuant to section 566.067;
- 25 (20) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section
- 26 [566.070] **566.061**;
- 27 (21) Sexual misconduct involving a child pursuant to section 566.083; or
- 28 (22) Sexual abuse **in the first degree** pursuant to section 566.100.
- 29 2. The notification shall be made orally or in writing, in a timely manner, no later than
- 30 five days following the filing of the petition. If the report is made orally, written notice shall
- 31 follow in a timely manner. The notification shall include a complete description of the conduct
- 32 the pupil is alleged to have committed and the dates the conduct occurred but shall not include
- 33 the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting
- 34 attorney or their designee shall send a second notification to the superintendent providing the
- 35 disposition of the case, including a brief summary of the relevant finding of facts, no later than
- 36 five days following the disposition of the case.
- 37 3. The superintendent or the designee of the superintendent shall report such information
- 38 to teachers and other school district employees with a need to know while acting within the scope
- 39 of their assigned duties. Any information received by school district officials pursuant to this
- 40 section shall be received in confidence and used for the limited purpose of assuring that good
- 41 order and discipline is maintained in the school. This information shall not be used as the sole
- 42 basis for not providing educational services to a public school pupil.
- 43 4. The superintendent shall notify the appropriate division of the juvenile or family court
- 44 upon any pupil's suspension for more than ten days or expulsion of any pupil that the school
- 45 district is aware is under the jurisdiction of the court.
- 46 5. The superintendent or the superintendent's designee may be called to serve in a
- 47 consultant capacity at any dispositional proceedings pursuant to section 211.031 which may
- 48 involve reference to a pupil's academic treatment plan.
- 49 6. Upon the transfer of any pupil described in this section to any other school district in
- 50 this state, the superintendent or the superintendent's designee shall forward the written

51 notification given to the superintendent pursuant to subsection 2 of this section to the
52 superintendent of the new school district in which the pupil has enrolled. Such written
53 notification shall be required again in the event of any subsequent transfer by the pupil.

54 7. As used in this section, the terms "school" and "school district" shall include any
55 charter, private or parochial school or school district, and the term "superintendent" shall include
56 the principal or equivalent chief school officer in the cases of charter, private or parochial
57 schools.

58 8. The superintendent or the designee of the superintendent or other school employee
59 who, in good faith, reports information in accordance with the terms of this section and section
60 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided
2 in section 167.161, may authorize the summary suspension of pupils by principals of schools for
3 a period not to exceed ten school days and by the superintendent of schools for a period not to
4 exceed one hundred and eighty school days. In case of a suspension by the superintendent for
5 more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial
6 care may appeal the decision of the superintendent to the board or to a committee of board
7 members appointed by the president of the board which shall have full authority to act in lieu of
8 the board. Any suspension by a principal shall be immediately reported to the superintendent
9 who may revoke the suspension at any time. In event of an appeal to the board, the
10 superintendent shall promptly transmit to it a full report in writing of the facts relating to the
11 suspension, the action taken by the superintendent and the reasons therefor and the board, upon
12 request, shall grant a hearing to the appealing party to be conducted as provided in section
13 167.161.

14 2. No pupil shall be suspended unless:

15 (1) The pupil shall be given oral or written notice of the charges against such pupil;

16 (2) If the pupil denies the charges, such pupil shall be given an oral or written
17 explanation of the facts which form the basis of the proposed suspension;

18 (3) The pupil shall be given an opportunity to present such pupil's version of the
19 incident; and

20 (4) In the event of a suspension for more than ten school days, where the pupil gives
21 notice that such pupil wishes to appeal the suspension to the board, the suspension shall be
22 stayed until the board renders its decision, unless in the judgment of the superintendent of
23 schools, or of the district superintendent, the pupil's presence poses a continuing danger to
24 persons or property or an ongoing threat of disrupting the academic process, in which case the
25 pupil may be immediately removed from school, and the notice and hearing shall follow as soon
26 as practicable.

27 3. No school board shall readmit or enroll a pupil properly suspended for more than ten
28 consecutive school days for an act of school violence as defined in subsection 2 of section

29 160.261 regardless of whether or not such act was committed at a public school or at a private
30 school in this state, provided that such act shall have resulted in the suspension or expulsion of
31 such pupil in the case of a private school, or otherwise permit such pupil to attend school without
32 first holding a conference to review the conduct that resulted in the expulsion or suspension and
33 any remedial actions needed to prevent any future occurrences of such or related conduct. The
34 conference shall include the appropriate school officials including any teacher employed in that
35 school or district directly involved with the conduct that resulted in the suspension or expulsion,
36 the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care,
37 custody or control of the pupil. The school board shall notify in writing the parents or guardians
38 and all other parties of the time, place, and agenda of any such conference. Failure of any party
39 to attend this conference shall not preclude holding the conference. Notwithstanding any
40 provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular
41 program of instruction if:

42 (1) Such pupil has been convicted of; or

43 (2) An indictment or information has been filed alleging that the pupil has committed
44 one of the acts enumerated in subdivision (4) of this subsection to which there has been no final
45 judgment; or

46 (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has
47 committed one of the acts enumerated in subdivision (4) of this subsection to which there has
48 been no final judgment; or

49 (4) The pupil has been adjudicated to have committed an act which if committed by an
50 adult would be one of the following:

51 (a) First degree murder under section 565.020;

52 (b) Second degree murder under section 565.021;

53 (c) First degree assault under section 565.050;

54 (d) [Forcible] Rape **in the first degree** under section 566.030;

55 (e) [Forcible] Sodomy **in the first degree** under section 566.060;

56 (f) Statutory rape under section 566.032;

57 (g) Statutory sodomy under section 566.062;

58 (h) Robbery in the first degree under section 569.020;

59 (i) Distribution of drugs to a minor under section 195.212;

60 (j) Arson in the first degree under section 569.040;

61 (k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in
62 this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been
63 dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the
64 above acts. This subsection shall not apply to a student with a disability, as identified under state
65 eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the
66 student's disability. Nothing in this subsection shall be construed to prohibit a school district

67 which provides an alternative education program from enrolling a pupil in an alternative
68 education program if the district determines such enrollment is appropriate.

69 4. If a pupil is attempting to enroll in a school district during a suspension or expulsion
70 from another in-state or out-of-state school district including a private, charter or parochial
71 school or school district, a conference with the superintendent or the superintendent's designee
72 may be held at the request of the parent, court-appointed legal guardian, someone acting as a
73 parent as defined by rule in the case of a special education student, or the pupil to consider if the
74 conduct of the pupil would have resulted in a suspension or expulsion in the district in which the
75 pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee
76 that such conduct would have resulted in a suspension or expulsion in the district in which the
77 pupil is enrolling or attempting to enroll, the school district may make such suspension or
78 expulsion from another school or district effective in the district in which the pupil is enrolling
79 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
80 designee that such conduct would not have resulted in a suspension or expulsion in the district
81 in which the student is enrolling or attempting to enroll, the school district shall not make such
82 suspension or expulsion effective in its district in which the student is enrolling or attempting
83 to enroll.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following
3 causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty
5 of a felony or crime involving moral turpitude under the laws of this state, any other state, of the
6 United States, or any other country, whether or not sentence is imposed;

7 (2) The certification was obtained through use of fraud, deception, misrepresentation or
8 bribery;

9 (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate
10 holder;

11 (4) A certificate holder has been subject to disciplinary action relating to certification
12 issued by another state, territory, federal agency, or country upon grounds for which discipline
13 is authorized in this section; or

14 (5) If charges are filed by the local board of education, based upon the annulling of a
15 written contract with the local board of education, for reasons other than election to the general
16 assembly, without the consent of the majority of the members of the board that is a party to the
17 contract.

18 2. A public school district may file charges seeking the discipline of a holder of a
19 certificate of license to teach based upon any cause or combination of causes outlined in
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of the

22 district, or by the president of the board of education as authorized by a majority of the board of
23 education. The board of education may also petition the office of the attorney general to file
24 charges on behalf of the school district for any cause other than annulment of contract, with
25 acceptance of the petition at the discretion of the attorney general.

26 3. The department of elementary and secondary education may file charges seeking the
27 discipline of a holder of a certificate of license to teach based upon any cause or combination of
28 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall
29 be in writing, specify the basis for the charges, and be signed by legal counsel representing the
30 department of elementary and secondary education.

31 4. If the underlying conduct or actions which are the basis for charges filed pursuant to
32 this section are also the subject of a pending criminal charge against the person holding such
33 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel
34 under the fifth amendment of the Constitution of the United States. Based upon such a request,
35 no hearing shall be held until after a trial has been completed on this criminal charge.

36 5. The certificate holder shall be given not less than thirty days' notice of any hearing
37 held pursuant to this section.

38 6. Other provisions of this section notwithstanding, the certificate of license to teach
39 shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate
40 holder or applicant has pleaded guilty to or been found guilty of any of the following offenses
41 established pursuant to Missouri law or offenses of a similar nature established under the laws
42 of any other state or of the United States, or any other country, whether or not the sentence is
43 imposed:

44 (1) Any dangerous felony as defined in section 556.061, or murder in the first degree
45 under section 565.020;

46 (2) Any of the following sexual offenses: rape **in the first degree** under section
47 566.030; statutory rape in the first degree under section 566.032; statutory rape in the second
48 degree under section 566.034; [sexual assault] **rape in the second degree** under section
49 [566.040] **566.031**; [forcible] sodomy **in the first degree** under section 566.060; statutory
50 sodomy in the first degree under section 566.062; statutory sodomy in the second degree under
51 section 566.064; child molestation in the first degree under section 566.067; child molestation
52 in the second degree under section 566.068; [deviate sexual assault] **sodomy in the second**
53 **degree** under section [566.070] **566.061**; sexual misconduct involving a child under section
54 566.083; sexual contact with a student while on public school property under section 566.086;
55 [sexual misconduct in the first degree under section 566.090;] sexual misconduct in the [second]
56 **first degree** under section 566.093; sexual misconduct in the [third] **second** degree under section
57 566.095; sexual abuse **in the first degree** under section 566.100; **sexual abuse in the second**
58 **degree under section 566.101**; enticement of a child under section 566.151; or attempting to
59 entice a child;

60 (3) Any of the following offenses against the family and related offenses: incest under
61 section 568.020; abandonment of child in the first degree under section 568.030; abandonment
62 of child in the second degree under section 568.032; endangering the welfare of a child in the
63 first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual
64 performance under section 568.080; promoting sexual performance by a child under section
65 568.090; or trafficking in children under section 568.175; and

66 (4) Any of the following offenses involving child pornography and related offenses:
67 promoting obscenity in the first degree under section 573.020; promoting obscenity in the second
68 degree when the penalty is enhanced to a class D felony under section 573.030; promoting child
69 pornography in the first degree under section 573.025; promoting child pornography in the
70 second degree under section 573.035; possession of child pornography under section 573.037;
71 furnishing pornographic materials to minors under section 573.040; or coercing acceptance of
72 obscene material under section 573.065.

73 7. When a certificate holder pleads guilty or is found guilty of any offense that would
74 authorize the state board of education to seek discipline against that holder's certificate of license
75 to teach, the local board of education or the department of elementary and secondary education
76 shall immediately provide written notice to the state board of education and the attorney general
77 regarding the plea of guilty or finding of guilty.

78 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this
79 section may appeal such revocation to the state board of education. Notice of this appeal must
80 be received by the commissioner of education within ninety days of notice of revocation pursuant
81 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to
82 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent
83 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner
84 of education, with the final decision made by the state board of education, based upon the record
85 of that hearing. The certificate holder shall be given not less than thirty days' notice of the
86 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

87 9. In the case of any certificate holder who has surrendered or failed to renew his or her
88 certificate of license to teach, the state board of education may refuse to issue or renew, or may
89 suspend or revoke, such certificate for any of the reasons contained in this section.

90 10. In those cases where the charges filed pursuant to this section are based upon an
91 allegation of misconduct involving a minor child, the hearing officer may accept into the record
92 the sworn testimony of the minor child relating to the misconduct received in any court or
93 administrative hearing.

94 11. Hearings, appeals or other matters involving certificate holders, licensees or
95 applicants pursuant to this section may be informally resolved by consent agreement or agreed
96 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated
97 by the state board of education.

98 12. The final decision of the state board of education is subject to judicial review
99 pursuant to sections 536.100 to 536.140.

100 13. A certificate of license to teach to an individual who has been convicted of a felony
101 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only
102 upon motion of the state board of education adopted by a unanimous affirmative vote of those
103 members present and voting.

 188.023. Any licensed health care professional who delivers a baby or performs an
2 abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the
3 first degree or statutory rape in the second degree, or if the patient is under the age of eighteen,
4 that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape**
5 **in the first or second degree**, or incest, shall be required to report such offenses in the same
6 manner as provided for by section 210.115.

 211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen
2 has committed an offense which would be considered a felony if committed by an adult, the court
3 may, upon its own motion or upon motion by the juvenile officer, the child or the child's
4 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be
5 transferred to the court of general jurisdiction and prosecuted under the general law; except that
6 if a petition alleges that any child has committed an offense which would be considered first
7 degree murder under section 565.020, second degree murder under section 565.021, first degree
8 assault under section 565.050, [forcible] **rape in the first degree** under section 566.030,
9 [forcible] **sodomy in the first degree** under section 566.060, first degree robbery under section
10 569.020, or distribution of drugs under section 195.211, or has committed two or more prior
11 unrelated offenses which would be felonies if committed by an adult, the court shall order a
12 hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general
13 jurisdiction for prosecution under the general law.

14 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
15 committed by any person between seventeen and twenty-one years of age over whom the juvenile
16 court has retained continuing jurisdiction shall automatically terminate and that offense shall be
17 dealt with in the court of general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any
19 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained
20 during the period of time in which a child misrepresents his or her age may be used against the
21 child and will be subject only to rules of evidence applicable in adult proceedings.

22 4. Written notification of a transfer hearing shall be given to the juvenile and his or her
23 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
24 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the
25 hearing is to determine whether the child is a proper subject to be dealt with under the provisions
26 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with

27 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the
28 child under the general law.

29 5. The juvenile officer may consult with the office of prosecuting attorney concerning
30 any offense for which the child could be certified as an adult under this section. The prosecuting
31 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile
32 officer, statements of witnesses and all other records or reports relating to the offense alleged to
33 have been committed by the child. The prosecuting or circuit attorney shall have access to the
34 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)
35 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information
36 regarding the child and the offense until the juvenile court at a judicial hearing has determined
37 that the child is not a proper subject to be dealt with under the provisions of this chapter.

38 6. A written report shall be prepared in accordance with this chapter developing fully all
39 available information relevant to the criteria which shall be considered by the court in
40 determining whether the child is a proper subject to be dealt with under the provisions of this
41 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice
42 system. These criteria shall include but not be limited to:

43 (1) The seriousness of the offense alleged and whether the protection of the community
44 requires transfer to the court of general jurisdiction;

45 (2) Whether the offense alleged involved viciousness, force and violence;

46 (3) Whether the offense alleged was against persons or property with greater weight
47 being given to the offense against persons, especially if personal injury resulted;

48 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which
49 indicates that the child may be beyond rehabilitation under the juvenile code;

50 (5) The record and history of the child, including experience with the juvenile justice
51 system, other courts, supervision, commitments to juvenile institutions and other placements;

52 (6) The sophistication and maturity of the child as determined by consideration of his
53 home and environmental situation, emotional condition and pattern of living;

54 (7) The age of the child;

55 (8) The program and facilities available to the juvenile court in considering disposition;

56 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
57 available to the juvenile court; and

58 (10) Racial disparity in certification.

59 7. If the court dismisses the petition to permit the child to be prosecuted under the
60 general law, the court shall enter a dismissal order containing:

61 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

62 (2) Findings showing that the child was represented by counsel;

63 (3) Findings showing that the hearing was held in the presence of the child and his
64 counsel; and

65 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

66 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
67 attorney.

68 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
69 the general law, the jurisdiction of the juvenile court over that child is forever terminated, except
70 as provided in subsection 10 of this section, for an act that would be a violation of a state law or
71 municipal ordinance.

72 10. If a petition has been dismissed thereby permitting a child to be prosecuted under the
73 general law and the child is found not guilty by a court of general jurisdiction, the juvenile court
74 shall have jurisdiction over any later offense committed by that child which would be considered
75 a misdemeanor or felony if committed by an adult, subject to the certification provisions of this
76 section.

77 11. If the court does not dismiss the petition to permit the child to be prosecuted under
78 the general law, it shall set a date for the hearing upon the petition as provided in section
79 211.171.

211.447. 1. Any information that could justify the filing of a petition to terminate
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the
6 informant may bring the matter directly to the attention of the judge of the juvenile court by
7 presenting the information in writing, and if it appears to the judge that the information could
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,
9 including making a further preliminary inquiry or filing a petition.

10 2. Except as provided for in subsection 4 of this section, a petition to terminate the
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek
13 to be joined as a party to the petition, when:

14 (1) Information available to the juvenile officer or the division establishes that the child
15 has been in foster care for at least fifteen of the most recent twenty-two months; or

16 (2) A court of competent jurisdiction has determined the child to be an abandoned infant.
17 For purposes of this subdivision, an "infant" means any child one year of age or under at the time
18 of filing of the petition. The court may find that an infant has been abandoned if:

19 (a) The parent has left the child under circumstances that the identity of the child was
20 unknown and could not be ascertained, despite diligent searching, and the parent has not come
21 forward to claim the child; or

22 (b) The parent has, without good cause, left the child without any provision for parental
23 support and without making arrangements to visit or communicate with the child, although able
24 to do so; or

25 (3) A court of competent jurisdiction has determined that the parent has:

26 (a) Committed murder of another child of the parent; or

27 (b) Committed voluntary manslaughter of another child of the parent; or

28 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
29 voluntary manslaughter; or

30 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
31 another child of the parent.

32 3. A termination of parental rights petition shall be filed by the juvenile officer or the
33 division, or if such a petition has been filed by another party, the juvenile officer or the division
34 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations
35 required in subsection 2 of this section, except as provided in subsection 4 of this section.
36 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
37 a petition for termination of parental rights which is filed outside of sixty days.

38 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
39 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
40 the parental rights of the child's parent or parents if:

41 (1) The child is being cared for by a relative; or

42 (2) There exists a compelling reason for determining that filing such a petition would
43 not be in the best interest of the child, as documented in the permanency plan which shall be
44 made available for court review; or

45 (3) The family of the child has not been provided such services as provided for in section
46 211.183.

47 5. The juvenile officer or the division may file a petition to terminate the parental rights
48 of the child's parent when it appears that one or more of the following grounds for termination
49 exist:

50 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
51 child over one year of age at the time of filing of the petition. The court shall find that the child
52 has been abandoned if, for a period of six months or longer:

53 (a) The parent has left the child under such circumstances that the identity of the child
54 was unknown and could not be ascertained, despite diligent searching, and the parent has not
55 come forward to claim the child; or

56 (b) The parent has, without good cause, left the child without any provision for parental
57 support and without making arrangements to visit or communicate with the child, although able
58 to do so;

59 (2) The child has been abused or neglected. In determining whether to terminate parental
60 rights pursuant to this subdivision, the court shall consider and make findings on the following
61 conditions or acts of the parent:

62 (a) A mental condition which is shown by competent evidence either to be permanent
63 or such that there is no reasonable likelihood that the condition can be reversed and which
64 renders the parent unable to knowingly provide the child the necessary care, custody and control;

65 (b) Chemical dependency which prevents the parent from consistently providing the
66 necessary care, custody and control of the child and which cannot be treated so as to enable the
67 parent to consistently provide such care, custody and control;

68 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child
69 or any child in the family by the parent, including an act of incest, or by another under
70 circumstances that indicate that the parent knew or should have known that such acts were being
71 committed toward the child or any child in the family; or

72 (d) Repeated or continuous failure by the parent, although physically or financially able,
73 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other
74 care and control necessary for the child's physical, mental, or emotional health and development.
75 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability
76 or disease;

77 (3) The child has been under the jurisdiction of the juvenile court for a period of one
78 year, and the court finds that the conditions which led to the assumption of jurisdiction still
79 persist, or conditions of a potentially harmful nature continue to exist, that there is little
80 likelihood that those conditions will be remedied at an early date so that the child can be returned
81 to the parent in the near future, or the continuation of the parent-child relationship greatly
82 diminishes the child's prospects for early integration into a stable and permanent home. In
83 determining whether to terminate parental rights under this subdivision, the court shall consider
84 and make findings on the following:

85 (a) The terms of a social service plan entered into by the parent and the division and the
86 extent to which the parties have made progress in complying with those terms;

87 (b) The success or failure of the efforts of the juvenile officer, the division or other
88 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to
89 provide a proper home for the child;

90 (c) A mental condition which is shown by competent evidence either to be permanent
91 or such that there is no reasonable likelihood that the condition can be reversed and which
92 renders the parent unable to knowingly provide the child the necessary care, custody and control;

93 (d) Chemical dependency which prevents the parent from consistently providing the
94 necessary care, custody and control over the child and which cannot be treated so as to enable
95 the parent to consistently provide such care, custody and control; or

96 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566
97 when the child or any child in the family was a victim, or a violation of section 568.020 when
98 the child or any child in the family was a victim. As used in this subdivision, a "child" means
99 any person who was under eighteen years of age at the time of the crime and who resided with
100 such parent or was related within the third degree of consanguinity or affinity to such parent; or

101 (5) The child was conceived and born as a result of an act of [forcible] rape **in the first**
102 **degree**. When the biological father has pled guilty to, or is convicted of, the [forcible] rape **in**
103 **the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence
104 supporting the termination of the biological father's parental rights; or

105 (6) The parent is unfit to be a party to the parent and child relationship because of a
106 consistent pattern of committing a specific abuse, including but not limited to abuses as defined
107 in section 455.010, child abuse or drug abuse before the child or of specific conditions directly
108 relating to the parent and child relationship either of which are determined by the court to be of
109 a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care
110 appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed
111 that a parent is unfit to be a party to the parent-child relationship upon a showing that within a
112 three-year period immediately prior to the termination adjudication, the parent's parental rights
113 to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this
114 section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other
115 states.

116 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed
117 by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court
118 finds that the termination is in the best interest of the child and when it appears by clear, cogent
119 and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of
120 this section.

121 7. When considering whether to terminate the parent-child relationship pursuant to
122 subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section,
123 the court shall evaluate and make findings on the following factors, when appropriate and
124 applicable to the case:

125 (1) The emotional ties to the birth parent;

126 (2) The extent to which the parent has maintained regular visitation or other contact with
127 the child;

128 (3) The extent of payment by the parent for the cost of care and maintenance of the child
129 when financially able to do so including the time that the child is in the custody of the division
130 or other child-placing agency;

131 (4) Whether additional services would be likely to bring about lasting parental
132 adjustment enabling a return of the child to the parent within an ascertainable period of time;

133 (5) The parent's disinterest in or lack of commitment to the child;

134 (6) The conviction of the parent of a felony offense that the court finds is of such a
 135 nature that the child will be deprived of a stable home for a period of years; provided, however,
 136 that incarceration in and of itself shall not be grounds for termination of parental rights;

137 (7) Deliberate acts of the parent or acts of another of which the parent knew or should
 138 have known that subjects the child to a substantial risk of physical or mental harm.

139 8. The court may attach little or no weight to infrequent visitations, communications, or
 140 contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-
 141 child relationship may serve as an inducement for the parent's rehabilitation.

142 9. In actions for adoption pursuant to chapter 453, the court may hear and determine the
 143 issues raised in a petition for adoption containing a prayer for termination of parental rights filed
 144 with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

145 10. The disability or disease of a parent shall not constitute a basis for a determination
 146 that a child is a child in need of care, for the removal of custody of a child from the parent, or for
 147 the termination of parental rights without a specific showing that there is a causal relation
 148 between the disability or disease and harm to the child.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates
 2 otherwise, the following terms shall mean:

3 (1) "Administrative segregation unit", a cell for the segregation of offenders from the
 4 general population of a facility for relatively extensive periods of time;

5 (2) "Board", the board of probation and parole;

6 (3) "Chief administrative officer", the institutional head of any correctional facility or
 7 his designee;

8 (4) "Correctional center", any premises or institution where incarceration, evaluation,
 9 care, treatment, or rehabilitation is provided to persons who are under the department's authority;

10 (5) "Department", the department of corrections of the state of Missouri;

11 (6) "Director", the director of the department of corrections or his designee;

12 (7) "Disciplinary segregation", a cell for the segregation of offenders from the general
 13 population of a correctional center because the offender has been found to have committed a
 14 violation of a division or facility rule and other available means are inadequate to regulate the
 15 offender's behavior;

16 (8) "Division", a statutorily created agency within the department or an agency created
 17 by the departmental organizational plan;

18 (9) "Division director", the director of a division of the department or his designee;

19 (10) "Local volunteer community board", a board of qualified local community
 20 volunteers selected by the court for the purpose of working in partnership with the court and the
 21 department of corrections in a reparative probation program;

22 (11) "Nonviolent offender", any offender who is convicted of a crime other than murder
 23 in the first or second degree, involuntary manslaughter, kidnapping, [forcible] rape **in the first**

24 **degree, [forcible] sodomy in the first degree, robbery in the first degree or assault in the first**
25 **degree;**

26 (12) "Offender", a person under supervision or an inmate in the custody of the
27 department;

28 (13) "Probation", a procedure under which a defendant found guilty of a crime upon
29 verdict or plea is released by the court without imprisonment, subject to conditions imposed by
30 the court and subject to the supervision of the board;

31 (14) "Volunteer", any person who, of his own free will, performs any assigned duties for
32 the department or its divisions with no monetary or material compensation.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a
2 written complaint filed by any person, investigate any real estate-related activity of a licensee
3 licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or
4 entity acting as or representing themselves as a real estate licensee. In conducting such
5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the
6 commission may forward a copy of the information received to the affiliated licensee's
7 designated broker. The commission shall have the power to hold an investigatory hearing to
8 determine whether there is a probability of a violation of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to
10 compel the production of records and papers bearing on the complaint. The commission shall
11 have the power to issue a subpoena and to compel any person in this state to come before the
12 commission to offer testimony or any material specified in the subpoena. Subpoenas and
13 subpoenas duces tecum issued pursuant to this section shall be served in the same manner as
14 subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that
15 allowed in the circuit court in civil cases.

16 2. The commission may cause a complaint to be filed with the administrative hearing
17 commission as provided by the provisions of chapter 621 against any person or entity licensed
18 under this chapter or any licensee who has failed to renew or has surrendered his or her
19 individual or entity license for any one or any combination of the following acts:

20 (1) Failure to maintain and deposit in a special account, separate and apart from his or
21 her personal or other business accounts, all moneys belonging to others entrusted to him or her
22 while acting as a real estate broker or as the temporary custodian of the funds of others, until the
23 transaction involved is consummated or terminated, unless all parties having an interest in the
24 funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises or suppression, concealment
26 or omission of material facts in the conduct of his or her business or pursuing a flagrant and
27 continued course of misrepresentation through agents, salespersons, advertising or otherwise in
28 any transaction;

29 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
30 documents or other property, coming into his or her possession, which belongs to others;

31 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
32 verbally or through the preparation of false documents, an amount in excess of the true and
33 actual sale price of the real estate or terms differing from those actually agreed upon;

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any party
35 or parties executing the same where the instruments have been prepared by the licensee or under
36 his or her supervision or are within his or her control, including, but not limited to, the
37 instruments relating to the employment of the licensee or to any matter pertaining to the
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property,
39 or any type of real estate transaction in which he or she may participate as a licensee;

40 (6) Acting for more than one party in a transaction without the knowledge of all parties
41 for whom he or she acts, or accepting a commission or valuable consideration for services from
42 more than one party in a real estate transaction without the knowledge of all parties to the
43 transaction;

44 (7) Paying a commission or valuable consideration to any person for acts or services
45 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

46 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future
47 profits which may result from the resale of real property;

48 (9) Having been finally adjudicated and been found guilty of the violation of any state
49 or federal statute which governs the sale or rental of real property or the conduct of the real estate
50 business as defined in subsection 1 of section 339.010;

51 (10) Obtaining a certificate or registration of authority, permit or license for himself or
52 herself or anyone else by false or fraudulent representation, fraud or deceit;

53 (11) Representing a real estate broker other than the broker with whom associated
54 without the express written consent of the broker with whom associated;

55 (12) Accepting a commission or valuable consideration for the performance of any of
56 the acts referred to in section 339.010 from any person except the broker with whom associated
57 at the time the commission or valuable consideration was earned;

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or
61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective
63 purchaser of real property;

64 (14) Placing a sign on or advertising any property offering it for sale or rent without the
65 written consent of the owner or his or her duly authorized agent;

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections
69 339.710 to 339.860;

70 (16) Committing any act which would otherwise be grounds for the commission to
71 refuse to issue a license under section 339.040;

72 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
73 writing by the seller;

74 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
75 contendere, in a criminal prosecution under the laws of this state or any other state or of the
76 United States, for any offense reasonably related to the qualifications, functions or duties of any
77 profession licensed or regulated under this chapter, for any offense an essential element of which
78 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
79 or not sentence is imposed;

80 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
81 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

82 (20) Disciplinary action against the holder of a license or other right to practice any
83 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted
84 by another state, territory, federal agency, or country upon grounds for which revocation,
85 suspension, or probation is authorized in this state;

86 (21) Been found by a court of competent jurisdiction of having used any controlled
87 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to
88 perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and
89 sections 339.710 to 339.860;

90 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

91 (23) Assisting or enabling any person to practice or offer to practice any profession
92 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
93 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections
94 339.710 to 339.860;

95 (24) Use of any advertisement or solicitation which is knowingly false, misleading or
96 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
97 directed;

98 (25) Making any material misstatement, misrepresentation, or omission with regard to
99 any application for licensure or license renewal. As used in this section, "material" means
100 important information about which the commission should be informed and which may influence
101 a licensing decision;

102 (26) Engaging in, committing, or assisting any person in engaging in or committing
103 mortgage fraud, as defined in section 443.930.

104 3. After the filing of such complaint, the proceedings will be conducted in accordance
105 with the provisions of law relating to the administrative hearing commission. A finding of the
106 administrative hearing commissioner that the licensee has performed or attempted to perform one
107 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by
108 the commission, or the placing of the licensee on probation on such terms and conditions as the
109 real estate commission shall deem appropriate, or the imposition of a civil penalty by the
110 commission not to exceed two thousand five hundred dollars for each offense. Each day of a
111 continued violation shall constitute a separate offense.

112 4. The commission may prepare a digest of the decisions of the administrative hearing
113 commission which concern complaints against licensed brokers or salespersons and cause such
114 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new
115 or changed rules adopted by the commission and other information of significance to licensees.

116 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall
117 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has
118 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the
119 following offenses or offenses of a similar nature established under the laws of this, any other
120 state, the United States, or any other country, notwithstanding whether sentence is imposed:

121 (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

122 (2) Any of the following sexual offenses: rape **in the first degree**, statutory rape in the
123 first degree, statutory rape in the second degree, [sexual assault, forcible] **rape in the second**
124 **degree**, sodomy **in the first degree**, statutory sodomy in the first degree, statutory sodomy in the
125 second degree, child molestation in the first degree, child molestation in the second degree,
126 [deviate sexual assault] **sodomy in the second degree**, sexual misconduct involving a child,
127 [sexual misconduct in the first degree,] sexual abuse **in the first or second degree**, enticement
128 of a child, or attempting to entice a child;

129 (3) Any of the following offenses against the family and related offenses: incest,
130 abandonment of a child in the first degree, abandonment of a child in the second degree,
131 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
132 performance, promoting sexual performance by a child, or trafficking in children;

133 (4) Any of the following offenses involving child pornography and related offenses:
134 promoting obscenity in the first degree, promoting obscenity in the second degree when the
135 penalty is enhanced to a class D felony, promoting child pornography in the first degree,
136 promoting child pornography in the second degree, possession of child pornography in the first
137 degree, possession of child pornography in the second degree, furnishing child pornography to
138 a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene
139 material; and

140 (5) Mortgage fraud as defined in section 570.310.

141 6. A person whose license was revoked under subsection 5 of this section may appeal
 142 such revocation to the administrative hearing commission. Notice of such appeal must be
 143 received by the administrative hearing commission within ninety days of mailing, by certified
 144 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
 145 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
 146 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
 147 administrative hearing commission.

375.1312. 1. As used in this section, the following terms mean:

2 (1) "Domestic violence"[, the occurrence of stalking or one or more of the following acts
 3 between family or household members:

4 (a) Attempting to cause or intentionally or knowingly causing bodily injury or physical
 5 harm;

6 (b) Knowingly engaging in a course of conduct or repeatedly committing acts toward
 7 another person under circumstances that place the person in reasonable fear of bodily injury or
 8 physical harm; or

9 (c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined
 10 in chapter 566;

11 (2) "Family or household member", spouses, former spouses, adults related by blood or
 12 marriage, adults who are presently residing together or have resided together in the past and
 13 adults who have a child in common regardless of whether they have been married or have resided
 14 together at any time] **and "family" or "household member", as such terms are defined in**
 15 **section 455.010;**

16 [(3)] (2) "Innocent coinsured", an insured who did not cooperate in or contribute to the
 17 creation of a property loss and the loss arose out of a pattern of domestic violence;

18 [(4)] (3) "Sole", a single act or a pattern of domestic violence which may include
 19 multiple acts[;

20 (5) "Stalking", when an adult purposely and repeatedly harasses or follows with the
 21 intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a
 22 course of conduct directed at a specific adult that serves no legitimate purpose, that would cause
 23 a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course
 24 of conduct" means a pattern of conduct composed of a series of acts over a period of time,
 25 however short, evidencing a continuity of purpose. Constitutionally protected activity is not
 26 included within the meaning of "course of conduct"].

27 2. No insurer shall do any of the following on the sole basis of the status of an insured
 28 or prospective insured as a victim of domestic violence:

29 (1) Deny, cancel or refuse to issue or renew an insurance policy;

30 (2) Require a greater premium, deductible or any other payment;

31 (3) Exclude or limit coverage for losses or deny a claim;

32 (4) Designate domestic violence as a preexisting condition for which coverage will be
33 denied or reduced;

34 (5) Terminate group coverage solely because of claims relating to the fact that any
35 individual in the group is or has been a victim of domestic violence; or

36 (6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing
37 or renewing a policy insuring an individual solely because an individual is or has been a victim
38 of domestic violence.

39 3. The fact that an insured or prospective insured has been a victim of domestic violence
40 shall not be considered a permitted underwriting or rating criterion.

41 4. Nothing in this section shall prohibit an insurer from taking an action described in
42 subsection 2 of this section if the action is otherwise permissible by law and is taken in the same
43 manner and to the same extent with respect to all insureds and prospective insureds without
44 regard to whether the insured or prospective insured is a victim of domestic violence.

45 5. If an innocent coinsured files a police report and completes a sworn affidavit for the
46 insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal
47 prosecution of the person committing the act causing the loss, then no insurer shall deny payment
48 to an innocent coinsured on a property loss claim due to any policy provision that excludes
49 coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent
50 coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other
51 secured interest; however, insurers shall not be required to make any subsequent payment to any
52 other insured for the part of any loss for which the innocent coinsured has received payment. An
53 insurer making payment to an insured shall have all rights of subrogation to recover against the
54 perpetrator of the loss.

55 6. A violation of this section shall be subject to the provisions of sections 375.930 to
56 375.948, relating to unfair trade practices.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to this chapter, except abuse
5 shall not include abuse inflicted on a child by accidental means by an adult household member
6 or discipline of a child, including spanking, in a reasonable manner:

7 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of
8 physical harm;

9 (b) "Battery", purposely or knowingly causing physical harm to another with or without
10 a deadly weapon;

11 (c) "Coercion", compelling another by force or threat of force to engage in conduct from
12 which the latter has a right to abstain or to abstain from conduct in which the person has a right
13 to engage;

- 14 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
15 more than one incident that alarms or causes distress to an adult or child and serves no legitimate
16 purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer
17 substantial emotional distress and must actually cause substantial emotional distress to the
18 petitioner or child. Such conduct might include, but is not limited to:
- 19 a. Following another about in a public place or places;
 - 20 b. Peering in the window or lingering outside the residence of another; but does not
21 include constitutionally protected activity;
 - 22 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in
23 any sexual act by force, threat of force, or duress;
 - 24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
25 against that person's will;
 - 26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;
 - 27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;
 - 28 (4) "Court", the circuit or associate circuit judge or a family court commissioner;
 - 29 (5) "Domestic violence", abuse or stalking **committed by a family or household**
30 **member**, as [both] **such** terms are defined in this section;
 - 31 (6) "Ex parte order of protection", an order of protection issued by the court before the
32 respondent has received notice of the petition or an opportunity to be heard on it;
 - 33 (7) "Family" or "household member", spouses, former spouses, any person related by
34 blood or marriage, persons who are presently residing together or have resided together in the
35 past, any person who is or has been in a continuing social relationship of a romantic or intimate
36 nature with the victim, and anyone who has a child in common regardless of whether they have
37 been married or have resided together at any time;
 - 38 (8) "Full order of protection", an order of protection issued after a hearing on the record
39 where the respondent has received notice of the proceedings and has had an opportunity to be
40 heard;
 - 41 (9) "Order of protection", either an ex parte order of protection or a full order of
42 protection;
 - 43 (10) "Pending", exists or for which a hearing date has been set;
 - 44 (11) "Petitioner", a family or household member who has been a victim of domestic
45 violence, or any person who has been the victim of stalking, or a person filing on behalf of a
46 child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of
47 section 455.020 or section 455.505;
 - 48 (12) "Respondent", the family or household member alleged to have committed an act
49 of domestic violence, or person alleged to have committed an act of stalking, against whom a
50 verified petition has been filed or a person served on behalf of a child pursuant to section
51 455.503;

52 (13) "Stalking" is when any person purposely and repeatedly engages in an unwanted
53 course of conduct that causes alarm to another person when it is reasonable in that person's
54 situation to have been alarmed by the conduct. As used in this subdivision:

55 (a) "Alarm" means to cause fear of danger of physical harm;

56 (b) "Course of conduct" means a pattern of conduct composed of repeated acts over a
57 period of time, however short, that serves no legitimate purpose. Such conduct may include, but
58 is not limited to, following the other person or unwanted communication or unwanted contact;
59 and

60 (c) "Repeated" means two or more incidents evidencing a continuity of purpose.

455.015. The petition shall be filed in the county where the petitioner resides, where the
2 alleged incident of [abuse] **domestic violence** occurred, or where the respondent may be served.

455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present
2 or former family or household member, or who has been the victim of stalking, may seek relief
3 under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence
4 or stalking by the respondent.

5 2. [An adult's] **A person's** right to relief under sections 455.010 to 455.085 shall not be
6 affected by [his] **the person** leaving the residence or household to avoid domestic violence.

7 3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective
8 throughout the state in all cities and counties.

455.030. 1. When the court is unavailable after business hours or on holidays or
2 weekends, a verified petition for protection from [abuse] **domestic violence** or a motion for
3 hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed
4 before any available court in the city or county having jurisdiction to hear the petition pursuant
5 to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be
6 granted pursuant to section 455.035.

7 2. All papers in connection with the filing of a petition or the granting of an ex parte
8 order of protection or a motion for a hearing on a violation of an order of protection under this
9 section shall be certified by such court or the clerk within the next regular business day to the
10 circuit court having jurisdiction to hear the petition.

11 3. A petitioner seeking a protection order shall not be required to reveal any current
12 address or place of residence except to the court in camera for the purpose of determining
13 jurisdiction and venue. The petitioner may be required to provide a mailing address unless the
14 petitioner alleges that he or she would be endangered by such disclosure, or that other family or
15 household members would be endangered by such disclosure. Effective January 1, 2004, a
16 petitioner shall not be required to provide his or her Social Security number on any petition or
17 document filed in connection with a protection order; except that, the court may require that a
18 petitioner's Social Security number be retained on a confidential case sheet or other confidential
19 record maintained in conjunction with the administration of the case.

20 4. The supreme court shall develop guidelines which ensure that a verified petition may
21 be filed on holidays, evenings and weekends.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall
2 have jurisdiction to enter an order of protection restraining or enjoining the respondent from
3 [abusing, threatening to abuse] **committing or threatening to commit domestic violence,**
4 **stalking**, molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to
5 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state
6 of Missouri and if the respondent's actions constituting [abuse] **domestic violence** have occurred,
7 have been attempted or have been or are threatened within the state of Missouri. For purposes
8 of this section, if the petitioner has been the subject of [abuse] **domestic violence** within or
9 outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for
10 protection in Missouri.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte
3 order of protection. An immediate and present danger of [abuse] **domestic violence** to the
4 petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for
5 purposes of this section. An ex parte order of protection entered by the court shall take effect
6 when entered and shall remain in effect until there is valid service of process and a hearing is
7 held on the motion. **The court shall deny the ex parte order and dismiss the petition if the**
8 **petitioner is not authorized to seek relief pursuant to section 455.020.**

9 2. Failure to serve an ex parte order of protection on the respondent shall not affect the
10 validity or enforceability of such order. If the respondent is less than seventeen years of age,
11 unless otherwise emancipated, service of process shall be made upon a **custodial** parent or
12 guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that**
13 **the person appear and bring the respondent before the court at the time and place stated.**

14 3. If an ex parte order is entered and [the allegations in the petition would give rise to
15 jurisdiction under section 211.031 because] the respondent is less than seventeen years of age,
16 the court shall transfer the case to juvenile court for a hearing on a full order of protection. The
17 court shall appoint a guardian ad litem for any such respondent not represented by a parent or
18 guardian.

455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections
2 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held
3 unless the court deems, for good cause shown, that a continuance should be granted. At the
4 hearing, if the petitioner has proved the allegation of [abuse] **domestic violence** or stalking by
5 a preponderance of the evidence, the court shall issue a full order of protection for a period of
6 time the court deems appropriate, except that the protective order shall be valid for at least one
7 hundred eighty days and not more than one year. Upon motion by the petitioner, and after a
8 hearing by the court, the full order of protection may be renewed for a period of time the court

9 deems appropriate, except that the protective order shall be valid for at least one hundred eighty
10 days and not more than one year from the expiration date of the originally issued full order of
11 protection. The court may, upon finding that it is in the best interest of the parties, include a
12 provision that any full order of protection for one year shall automatically renew unless the
13 respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause
14 a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the
15 full order of protection prior to the expiration date of the originally issued full order of
16 protection, an ex parte order of protection may be issued until a hearing is held on the motion.
17 When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing
18 by the court, the second full order of protection may be renewed for an additional period of time
19 the court deems appropriate, except that the protective order shall be valid for at least one
20 hundred eighty days and not more than one year. For purposes of this subsection, a finding by
21 the court of a subsequent act of [abuse] **domestic violence or stalking** is not required for a
22 renewal order of protection.

23 2. The court shall cause a copy of the petition and notice of the date set for the hearing
24 on such petition and any ex parte order of protection to be served upon the respondent as
25 provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such
26 notice shall be served at the earliest time, and service of such notice shall take priority over
27 service in other actions, except those of a similar emergency nature.] The court shall cause a copy
28 of any full order of protection to be served upon or mailed by certified mail to the respondent at
29 the respondent's last known address. **Notice of an ex parte or full order of protection shall**
30 **be served at the earliest time, and service of such notice shall take priority over service in**
31 **other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of
32 the full order of protection to the respondent shall not affect the validity or enforceability of a
33 full order of protection.

34 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
35 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
36 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
37 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
38 or any other comparable law enforcement system the same day the order is granted. The law
39 enforcement agency responsible for maintaining MULES shall, for purposes of verification,
40 within twenty-four hours from the time the order is granted, enter information contained in the
41 order including but not limited to any orders regarding child custody or visitation and all
42 specifics as to times and dates of custody or visitation that are provided in the order. A notice
43 of expiration or of termination of any order of protection or any change in child custody or
44 visitation within that order shall be issued to the local law enforcement agency and to the law
45 enforcement agency responsible for maintaining MULES or any other comparable law
46 enforcement system. The law enforcement agency responsible for maintaining the applicable

47 law enforcement system shall enter such information in the system within twenty-four hours of
48 receipt of information evidencing such expiration or termination. The information contained in
49 an order of protection may be entered in the Missouri uniform law enforcement system or
50 comparable law enforcement system using a direct automated data transfer from the court
51 automated system to the law enforcement system.

52 4. The court shall cause a copy of any objection filed by the respondent and notice of the
53 date set for the hearing on such objection to an automatic renewal of a full order of protection
54 for a period of one year to be personally served upon the petitioner by personal process server
55 as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such
56 service of process shall be served at the earliest time and shall take priority over service in other
57 actions except those of a similar emergency nature.

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to
2 455.085 shall be to protect the petitioner from [abuse] **domestic violence** or stalking and may
3 include:

4 (1) Restraining the respondent from [abusing, threatening to abuse] **committing or**
5 **threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the
6 petitioner;

7 (2) Restraining the respondent from entering the premises of the dwelling unit of
8 petitioner when the dwelling unit is:

9 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

10 (b) Owned, leased, rented or occupied by petitioner individually; or

11 (c) Jointly owned, leased or rented by petitioner and a person other than respondent;
12 provided, however, no spouse shall be denied relief pursuant to this section by reason of the
13 absence of a property interest in the dwelling unit; or

14 (d) Jointly occupied by the petitioner and a person other than the respondent; provided
15 that the respondent has no property interest in the dwelling unit;

16 (3) Restraining the respondent from communicating with the petitioner in any manner
17 or through any medium;

18 (4) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010
2 to 455.085 shall be to protect the petitioner from domestic violence and may include such terms
3 as the court reasonably deems necessary to ensure the petitioner's safety, including but not
4 limited to:

5 (1) Temporarily enjoining the respondent from [abusing, threatening to abuse]
6 **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the
7 peace of the petitioner;

8 (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit
9 of the petitioner when the dwelling unit is:

- 10 (a) Jointly owned, leased or rented or jointly occupied by both parties; or
11 (b) Owned, leased, rented or occupied by petitioner individually; or
12 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than
13 respondent; provided, however, no spouse shall be denied relief pursuant to this section by
14 reason of the absence of a property interest in the dwelling unit; or
15 (d) Jointly occupied by the petitioner and a person other than respondent; provided that
16 the respondent has no property interest in the dwelling unit; or
17 (3) Temporarily enjoining the respondent from communicating with the petitioner in any
18 manner or through any medium.
- 19 2. Mutual orders of protection are prohibited unless both parties have properly filed
20 written petitions and proper service has been made in accordance with sections 455.010 to
21 455.085.
- 22 3. When the court has, after a hearing for any full order of protection, issued an order of
23 protection, it may, in addition:
- 24 (1) Award custody of any minor child born to or adopted by the parties when the court
25 has jurisdiction over such child and no prior order regarding custody is pending or has been
26 made, and the best interests of the child require such order be issued;
27 (2) Establish a visitation schedule that is in the best interests of the child;
28 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
29 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
30 in accordance with chapter 452;
31 (5) Order respondent to make or to continue to make rent or mortgage payments on a
32 residence occupied by the petitioner if the respondent is found to have a duty to support the
33 petitioner or other dependent household members;
34 (6) Order the respondent to pay the petitioner's rent at a residence other than the one
35 previously shared by the parties if the respondent is found to have a duty to support the petitioner
36 and the petitioner requests alternative housing;
37 (7) Order that the petitioner be given temporary possession of specified personal
38 property, such as automobiles, checkbooks, keys, and other personal effects;
39 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of
40 specified property mutually owned or leased by the parties;
41 (9) Order the respondent to participate in a court-approved counseling program designed
42 to help batterers stop violent behavior or to participate in a substance abuse treatment program;
43 (10) Order the respondent to pay a reasonable fee for housing and other services that
44 have been provided or that are being provided to the petitioner by a shelter for victims of
45 domestic violence;
46 (11) Order the respondent to pay court costs;

47 (12) Order the respondent to pay the cost of medical treatment and services that have
48 been provided or that are being provided to the petitioner as a result of injuries sustained to the
49 petitioner by an act of domestic violence committed by the respondent.

50 4. A verified petition seeking orders for maintenance, support, custody, visitation,
51 payment of rent, payment of monetary compensation, possession of personal property,
52 prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a
53 shelter for victims of domestic violence, shall contain allegations relating to those orders and
54 shall pray for the orders desired.

55 5. In making an award of custody, the court shall consider all relevant factors including
56 the presumption that the best interests of the child will be served by placing the child in the
57 custody and care of the nonabusive parent, unless there is evidence that both parents have
58 engaged in abusive behavior, in which case the court shall not consider this presumption but may
59 appoint a guardian ad litem or a court-appointed special advocate to represent the children in
60 accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

61 6. The court shall grant to the noncustodial parent rights to visitation with any minor
62 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would
63 endanger the child's physical health, impair the child's emotional development or would
64 otherwise conflict with the best interests of the child, or that no visitation can be arranged which
65 would sufficiently protect the custodial parent from further [abuse] **domestic violence**. The
66 court may appoint a guardian ad litem or court-appointed special advocate to represent the minor
67 child in accordance with chapter 452 whenever the custodial parent alleges that visitation with
68 the noncustodial parent will damage the minor child.

69 7. The court shall make an order requiring the noncustodial party to pay an amount
70 reasonable and necessary for the support of any child to whom the party owes a duty of support
71 when no prior order of support is outstanding and after all relevant factors have been considered,
72 in accordance with Missouri supreme court rule 88.01 and chapter 452.

73 8. The court may grant a maintenance order to a party for a period of time, not to exceed
74 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with
75 chapter 452.

455.060. 1. After notice and hearing, the court may modify an order of protection at any
2 time, upon subsequent motion filed by the guardian ad litem, the court-appointed special
3 advocate or by either party together with an affidavit showing a change in circumstances
4 sufficient to warrant the modification. All full orders of protection shall be final orders and
5 appealable and shall be for a fixed period of time as provided in section 455.040.

6 2. Any order for child support, custody, temporary custody, visitation or maintenance
7 entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order
8 upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

9 3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any
10 subsequent proceeding, including, but not limited to, any action brought under chapter 452[,
11 RSMo 1978, as amended].

12 4. All provisions of an order of protection shall terminate upon entry of a decree of
13 dissolution of marriage or legal separation except as to those provisions which require the
14 respondent to participate in a court-approved counseling program or enjoin the respondent from
15 [abusing, molesting, stalking or disturbing the peace of] **committing an act of domestic**
16 **violence against** the petitioner and which enjoin the respondent from entering the premises of
17 the dwelling unit of the petitioner as described in the order of protection when the petitioner
18 continues to reside in that dwelling unit unless the respondent is awarded possession of the
19 dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

20 5. Any order of protection or order for child support, custody, temporary custody,
21 visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the
22 order of the court granting a motion to terminate the order of protection by the petitioner. [The
23 court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be
24 heard.] Prior to terminating any order of protection, the court may [examine the circumstances
25 of the motion to dismiss and may] inquire of the petitioner or others **in camera** in order to [assist
26 the court in determining if] **determine whether the** dismissal is voluntary.

27 6. The order of protection may not change the custody of children when an action for
28 dissolution of marriage has been filed or the custody has previously been awarded by a court of
29 competent jurisdiction.

455.080. 1. Law enforcement agencies may establish procedures to ensure that
2 dispatchers and officers at the scene of an alleged incident of [abuse] **domestic violence or**
3 **stalking** or violation of an order of protection can be informed of any recorded prior incident of
4 [abuse] **domestic violence or stalking** involving the abused party and can verify the effective
5 dates and terms of any recorded order of protection.

6 2. The law enforcement agency shall apply the same standard for response to an alleged
7 incident of [abuse] **domestic violence or stalking** or a violation of any order of protection as
8 applied to any like offense involving strangers, except as otherwise provided by law. Law
9 enforcement agencies shall not assign lower priority to calls involving alleged incidents of
10 [abuse] **domestic violence or stalking** or violation of protection orders than is assigned in
11 responding to offenses involving strangers. Existence of any of the following factors shall be
12 interpreted as indicating a need for immediate response:

13 (1) The caller indicates that violence is imminent or in progress; or

14 (2) A protection order is in effect; or

15 (3) The caller indicates that incidents of domestic violence have occurred previously
16 between the parties.

17 3. Law enforcement agencies may establish domestic crisis teams or, if the agency has
18 fewer than five officers whose responsibility it is to respond to calls of this nature, individual
19 officers trained in methods of dealing with [family and household quarrels] **domestic violence**.
20 Such teams or individuals may be supplemented by social workers, ministers or other persons
21 trained in counseling or crisis intervention. When an alleged incident of [family or household
22 abuse] **domestic violence** is reported, the agency may dispatch a crisis team or specially trained
23 officer, if available, to the scene of the incident.

24 4. The officer at the scene of an alleged incident of [abuse] **domestic violence or**
25 **stalking** shall inform the abused party of available judicial remedies for relief from [adult abuse]
26 **domestic violence** and of available shelters for victims of domestic violence.

27 5. Law enforcement officials at the scene shall provide or arrange transportation for the
28 abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. 1. When a law enforcement officer has probable cause to believe a party has
2 committed a violation of law amounting to [abuse or assault] **domestic violence**, as defined in
3 section 455.010, against a family or household member, the officer may arrest the offending
4 party whether or not the violation occurred in the presence of the arresting officer. When the
5 officer declines to make arrest pursuant to this subsection, the officer shall make a written report
6 of the incident completely describing the offending party, giving the victim's name, time,
7 address, reason why no arrest was made and any other pertinent information. Any law
8 enforcement officer subsequently called to the same address within a twelve-hour period, who
9 shall find probable cause to believe the same offender has again committed a violation as stated
10 in this subsection against the same or any other family or household member, shall arrest the
11 offending party for this subsequent offense. The primary report of nonarrest in the preceding
12 twelve-hour period may be considered as evidence of the defendant's intent in the violation for
13 which arrest occurred. The refusal of the victim to sign an official complaint against the violator
14 shall not prevent an arrest under this subsection.

15 2. When a law enforcement officer has probable cause to believe that a party, against
16 whom a protective order has been entered and who has notice of such order entered, has
17 committed an act of abuse in violation of such order, the officer shall arrest the offending party-
18 respondent whether or not the violation occurred in the presence of the arresting officer. Refusal
19 of the victim to sign an official complaint against the violator shall not prevent an arrest under
20 this subsection.

21 3. When an officer makes an arrest [he], **the officer** is not required to arrest two parties
22 involved in an assault when both parties claim to have been assaulted. The arresting officer shall
23 attempt to identify and shall arrest the party [he] **the officer** believes is the primary physical
24 aggressor. The term "primary physical aggressor" is defined as the most significant, rather than
25 the first, aggressor. The law enforcement officer shall consider any or all of the following in
26 determining the primary physical aggressor:

27 (1) The intent of the law to protect victims [of domestic violence] from continuing
28 [abuse] **domestic violence**;

29 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical
30 injury;

31 (3) The history of domestic violence between the persons involved.

32 No law enforcement officer investigating an incident of [family] **domestic** violence shall threaten
33 the arrest of all parties for the purpose of discouraging requests or law enforcement intervention
34 by any party. Where complaints are received from two or more opposing parties, the officer shall
35 evaluate each complaint separately to determine whether [he] **the officer** should seek a warrant
36 for an arrest.

37 4. In an arrest in which a law enforcement officer acted in good faith reliance on this
38 section, the arresting and assisting law enforcement officers and their employing entities and
39 superiors shall be immune from liability in any civil action alleging false arrest, false
40 imprisonment or malicious prosecution.

41 5. When a person against whom an order of protection has been entered fails to surrender
42 custody of minor children to the person to whom custody was awarded in an order of protection,
43 the law enforcement officer shall arrest the respondent, and shall turn the minor children over
44 to the care and custody of the party to whom such care and custody was awarded.

45 6. The same procedures, including those designed to protect constitutional rights, shall
46 be applied to the respondent as those applied to any individual detained in police custody.

47 7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**,
48 stalking, child custody, communication initiated by the respondent or entrance upon the premises
49 of the petitioner's dwelling unit or place of employment or school, or being within a certain
50 distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which
51 the respondent has notice, shall be a class A misdemeanor unless the respondent has previously
52 pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex
53 parte order of protection or a full order of protection within five years of the date of the
54 subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence
55 of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the
56 jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas
57 of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or
58 duration of sentence or other disposition and shall not instruct the jury as to the range of
59 punishment or allow the jury to assess and declare the punishment as a part of its verdict.

60 8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**,
61 stalking, child custody, communication initiated by the respondent or entrance upon the premises
62 of the petitioner's dwelling unit or place of employment or school, or being within a certain
63 distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class
64 A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty

65 in any division of the circuit court of violating an ex parte order of protection or a full order of
66 protection within five years of the date of the subsequent violation, in which case the subsequent
67 violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be
68 heard by the court out of the presence of the jury prior to submission of the case to the jury. If
69 the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable
70 doubt, the court shall decide the extent or duration of the sentence or other disposition and shall
71 not instruct the jury as to the range of punishment or allow the jury to assess and declare the
72 punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice
73 provided by actual service of the order, a party is deemed to have notice of an order of protection
74 if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic**
75 **violence, stalking**, or violation of an order of protection presented a copy of the order of
76 protection to the respondent.

77 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed
78 tampering with a witness or victim tampering under section 575.270.

79 10. Nothing in this section shall be interpreted as creating a private cause of action for
80 damages to enforce the provisions set forth herein.

455.503. 1. A petition for an order of protection for a child shall be filed in the county
2 where the child resides, where the alleged incident of [abuse] **domestic violence or stalking**
3 occurred, or where the respondent may be served.

4 2. Such petition may be filed by any of the following:

5 (1) A parent or guardian of the victim;

6 (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or

7 (3) The juvenile officer.

455.505. 1. An order of protection for a child who has been subject to domestic violence
2 by a present or former [adult] household member or person stalking the child may be sought
3 under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic
4 violence **or stalking** by the respondent.

5 2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by [his]
6 **the child's** leaving the residence or household to avoid domestic violence.

7 3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective
8 throughout the state in all cities and counties.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for
2 good cause shown in the petition, and upon finding that no prior order regarding custody is
3 pending or has been made or that the respondent is less than seventeen years of age, the court
4 may immediately issue an ex parte order of protection. An immediate and present danger of
5 [abuse] **domestic violence or stalking** to a child shall constitute good cause for purposes of this
6 section. An ex parte order of protection entered by the court shall be in effect until the time of

7 the hearing. **The court shall deny the ex parte order and dismiss the petition if the**
8 **petitioner is not authorized to seek relief pursuant to section 455.505.**

9 2. Upon the entry of the ex parte order of protection, the court shall enter its order
10 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

11 3. If the allegations in the petition would give rise to jurisdiction under section 211.031,
12 the court may direct the children's division to conduct an investigation and to provide appropriate
13 services. The division shall submit a written investigative report to the court and to the juvenile
14 officer within thirty days of being ordered to do so. The report shall be made available to the
15 parties and the guardian ad litem or court-appointed special advocate.

16 4. If [an ex parte order is entered and] the allegations in the petition would give rise to
17 jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the
18 court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on
19 a full order of protection. Service of process shall be made pursuant to section 455.035.

455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538
2 shall be to protect the victim from domestic violence **or stalking** and may include such terms
3 as the court reasonably deems necessary to ensure the [petitioner's] **victim's** safety, including but
4 not limited to:

5 (1) Restraining the respondent from [abusing, threatening to abuse] **committing or**
6 **threatening to commit domestic violence, stalking**, molesting, or disturbing the peace of the
7 victim;

8 (2) Restraining the respondent from entering the family home of the victim except as
9 specifically authorized by the court;

10 (3) Restraining the respondent from communicating with the victim in any manner or
11 through any medium, except as specifically authorized by the court;

12 (4) A temporary order of custody of minor children.

13 2. No ex parte order of protection excluding the respondent from the family home shall
14 be issued unless the court finds that:

15 (1) The order is in the best interests of the child or children remaining in the home;

16 (2) The verified allegations of domestic violence present a substantial risk to the child
17 or children unless the respondent is excluded; and

18 (3) A remaining adult family or household member is able to care adequately for the
19 child or children in the absence of the excluded party.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall
2 be to protect the victim from domestic violence and **stalking** may include such terms as the court
3 reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

4 (1) Temporarily enjoining the respondent from [abusing] **committing domestic**
5 **violence**, threatening to [abuse] **commit domestic violence, stalking**, molesting, or disturbing
6 the peace of the victim;

- 7 (2) Temporarily enjoining the respondent from entering the family home of the victim,
8 except as specifically authorized by the court;
- 9 (3) Temporarily enjoining the respondent from communicating with the victim in any
10 manner or through any medium, except as specifically authorized by the court.
- 11 2. When the court has, after hearing for any full order of protection, issued an order of
12 protection, it may, in addition:
- 13 (1) Award custody of any minor child born to or adopted by the parties when the court
14 has jurisdiction over such child and no prior order regarding custody is pending or has been
15 made, and the best interests of the child require such order be issued;
- 16 (2) Award visitation;
- 17 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- 18 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
19 in accordance with chapter 452;
- 20 (5) Order respondent to make or to continue to make rent or mortgage payments on a
21 residence occupied by the victim if the respondent is found to have a duty to support the victim
22 or other dependent household members;
- 23 (6) Order the respondent to participate in a court-approved counseling program designed
24 to help [child abusers] stop violent behavior or to treat substance abuse;
- 25 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her
26 treatment, together with the treatment costs incurred by the victim;
- 27 (8) Order the respondent to pay a reasonable fee for housing and other services that have
28 been provided or that are being provided to the victim by a shelter for victims of domestic
29 violence.

- 455.538. 1. When a law enforcement officer has probable cause to believe that a party,
2 against whom a protective order for a child has been entered, has committed an act [of abuse]
3 in violation of that order, [he] **the officer** shall have the authority to arrest the respondent
4 whether or not the violation occurred in the presence of the arresting officer.
- 5 2. When a person, against whom an order of protection for a child has been entered, fails
6 to surrender custody of minor children to the person to whom custody was awarded in an order
7 of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor
8 children over to the care and custody of the party to whom such care and custody was awarded.
- 9 3. The same procedures, including those designed to protect constitutional rights, shall
10 be applied to the respondent as those applied to any individual detained in police custody.
- 11 4. (1) Violation of the terms and conditions of an ex parte or full order of protection
12 with regard to [abuse] **domestic violence, stalking**, child custody, communication initiated by
13 the respondent, or entrance upon the premises of the victim's dwelling unit or place of
14 employment or school, or being within a certain distance of the petitioner or a child of the
15 petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the

16 respondent has previously pleaded guilty to or has been found guilty in any division of the circuit
17 court of violating an ex parte order of protection or a full order of protection within five years
18 of the date of the subsequent violation, in which case the subsequent violation shall be a class
19 D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of
20 the presence of the jury prior to submission of the case to the jury. If the court finds the
21 existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall
22 decide the extent or duration of sentence or other disposition and shall not instruct the jury as to
23 the range of punishment or allow the jury to assess and declare the punishment as a part of its
24 verdict.

25 (2) For purposes of this subsection, in addition to the notice provided by actual service
26 of the order, a party is deemed to have notice of an order of protection for a child if the law
27 enforcement officer responding to a call of a reported incident of [abuse] **domestic violence or**
28 **stalking** or violation of an order of protection for a child presents a copy of the order of
29 protection to the respondent.

30 5. The fact that an act by a respondent is a violation of a valid order of protection for a
31 child shall not preclude prosecution of the respondent for other crimes arising out of the incident
32 in which the protection order is alleged to have been violated.

527.290. 1. Public notice of such a change of name shall be given at least three times
2 in a newspaper published in the county where such person is residing, within twenty days after
3 the order of court is made, and if no newspaper is published in [his] **the person's** or any adjacent
4 county, then such notice shall be given in a newspaper published in the City of St. Louis, or at
5 the seat of government.

6 2. Public notice of such name change through publication as required in subsection 1 of
7 this section shall not be required, **and any system operated by the judiciary that is designed**
8 **to provide public case information electronically shall not post the name change**, if the
9 petitioner is:

10 (1) The victim of a crime, the underlying factual basis of which is found by the court on
11 the record to include an act of domestic violence, as defined in section 455.010;

12 (2) The victim of child abuse, as defined in section 210.110; or

13 (3) The victim of [abuse] **domestic violence** by a family or household member, as
14 defined in section 455.010.

556.036. 1. A prosecution for murder, [forcible] rape **in the first degree**, attempted
2 [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, attempted [forcible]
3 sodomy **in the first degree**, or any class A felony may be commenced at any time.

4 2. Except as otherwise provided in this section, prosecutions for other offenses must be
5 commenced within the following periods of limitation:

6 (1) For any felony, three years, except as provided in subdivision (4) of this subsection;

7 (2) For any misdemeanor, one year;

8 (3) For any infraction, six months;

9 (4) For any violation of section 569.040, when classified as a class B felony, or any
10 violation of section 569.050 or 569.055, five years.

11 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
12 nevertheless be commenced for:

13 (1) Any offense a material element of which is either fraud or a breach of fiduciary
14 obligation within one year after discovery of the offense by an aggrieved party or by a person
15 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
16 the offense, but in no case shall this provision extend the period of limitation by more than three
17 years. As used in this subdivision, the term "person who has a legal duty to represent an
18 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
19 jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections
20 407.511 to 407.556; and

21 (2) Any offense based upon misconduct in office by a public officer or employee at any
22 time when the defendant is in public office or employment or within two years thereafter, but in
23 no case shall this provision extend the period of limitation by more than three years; and

24 (3) Any offense based upon an intentional and willful fraudulent claim of child support
25 arrearage to a public servant in the performance of his or her duties within one year after
26 discovery of the offense, but in no case shall this provision extend the period of limitation by
27 more than three years.

28 4. An offense is committed either when every element occurs, or, if a legislative purpose
29 to prohibit a continuing course of conduct plainly appears, at the time when the course of
30 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after
31 the offense is committed.

32 5. A prosecution is commenced for a misdemeanor or infraction when the information
33 is filed and for a felony when the complaint or indictment is filed.

34 6. The period of limitation does not run:

35 (1) During any time when the accused is absent from the state, but in no case shall this
36 provision extend the period of limitation otherwise applicable by more than three years; or

37 (2) During any time when the accused is concealing himself from justice either within
38 or without this state; or

39 (3) During any time when a prosecution against the accused for the offense is pending
40 in this state; or

41 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
42 to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful
2 sexual offenses involving a person eighteen years of age or under must be commenced within
3 thirty years after the victim reaches the age of eighteen unless the prosecutions are for [forcible]

4 rape **in the first degree**, attempted [forcible] rape **in the first degree**, [forcible] sodomy **in the**
5 **first degree**, kidnapping, or attempted [forcible] sodomy **in the first degree** in which case such
6 prosecutions may be commenced at any time.

556.061. In this code, unless the context requires a different definition, the following
2 shall apply:

3 (1) "Affirmative defense" has the meaning specified in section 556.056;

4 (2) "Burden of injecting the issue" has the meaning specified in section 556.051;

5 (3) "Commercial film and photographic print processor", any person who develops
6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
7 or slides, for compensation. The term commercial film and photographic print processor shall
8 include all employees of such persons but shall not include a person who develops film or makes
9 prints for a public agency;

10 (4) "Confinement":

11 (a) A person is in confinement when such person is held in a place of confinement
12 pursuant to arrest or order of a court, and remains in confinement until:

13 a. A court orders the person's release; or

14 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

15 c. A public servant having the legal power and duty to confine the person authorizes his
16 release without guard and without condition that he return to confinement;

17 (b) A person is not in confinement if:

18 a. The person is on probation or parole, temporary or otherwise; or

19 b. The person is under sentence to serve a term of confinement which is not continuous,
20 or is serving a sentence under a work-release program, and in either such case is not being held
21 in a place of confinement or is not being held under guard by a person having the legal power
22 and duty to transport the person to or from a place of confinement;

23 (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not
24 constitute consent if:

25 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
26 to constitute the offense and such mental incapacity is manifest or known to the actor; or

27 (b) It is given by a person who by reason of youth, mental disease or defect, [or]
28 intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the
29 actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct
30 charged to constitute the offense; or

31 (c) It is induced by force, duress or deception;

32 (6) "Criminal negligence" has the meaning specified in section 562.016;

33 (7) "Custody", a person is in custody when the person has been arrested but has not been
34 delivered to a place of confinement;

35 (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first
36 degree, attempted [forcible] rape **in the first degree** if physical injury results, attempted
37 [forcible] sodomy **in the first degree** if physical injury results, [forcible] rape **in the first**
38 **degree**, [forcible] sodomy **in the first degree**, kidnapping, murder in the second degree, assault
39 of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse
40 in the first degree, robbery in the first degree, statutory rape in the first degree[when the victim
41 is a child less than twelve years of age at the time of the commission of the act giving rise to the
42 offense], statutory sodomy in the first degree [when the victim is a child less than twelve years
43 of age at the time of the commission of the act giving rise to the offense], and, abuse of a child
44 [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained**
45 **from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping
46 committed by detaining or concealing the whereabouts of the child for not less than one hundred
47 twenty days under section 565.153;

48 (9) "Dangerous instrument" means any instrument, article or substance, which, under the
49 circumstances in which it is used, is readily capable of causing death or other serious physical
50 injury;

51 (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from
52 which a shot, readily capable of producing death or serious physical injury, may be discharged,
53 or a switchblade knife, dagger, billy, blackjack or metal knuckles;

54 (11) "Felony" has the meaning specified in section 556.016;

55 (12) "Forcible compulsion" means either:

56 (a) Physical force that overcomes reasonable resistance; or

57 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
58 physical injury or kidnapping of such person or another person;

59 (13) "Incapacitated" means that physical or mental condition, temporary or permanent,
60 in which a person is unconscious, unable to appraise the nature of such person's conduct, or
61 unable to communicate unwillingness to an act[. A person is not incapacitated with respect to
62 an act committed upon such person if he or she became unconscious, unable to appraise the
63 nature of such person's conduct or unable to communicate unwillingness to an act, after
64 consenting to the act];

65 (14) "Infraction" has the meaning specified in section 556.021;

66 (15) "Inhabitable structure" has the meaning specified in section 569.010;

67 (16) "Knowingly" has the meaning specified in section 562.016;

68 (17) "Law enforcement officer" means any public servant having both the power and
69 duty to make arrests for violations of the laws of this state, and federal law enforcement officers
70 authorized to carry firearms and to make arrests for violations of the laws of the United States;

71 (18) "Misdemeanor" has the meaning specified in section 556.016;

72 (19) "Offense" means any felony, misdemeanor or infraction;

73 (20) "Physical injury" means physical pain, illness, or any impairment of physical
74 condition;

75 (21) "Place of confinement" means any building or facility and the grounds thereof
76 wherein a court is legally authorized to order that a person charged with or convicted of a crime
77 be held;

78 (22) "Possess" or "possessed" means having actual or constructive possession of an
79 object with knowledge of its presence. A person has actual possession if such person has the
80 object on his or her person or within easy reach and convenient control. A person has
81 constructive possession if such person has the power and the intention at a given time to exercise
82 dominion or control over the object either directly or through another person or persons.
83 Possession may also be sole or joint. If one person alone has possession of an object, possession
84 is sole. If two or more persons share possession of an object, possession is joint;

85 (23) "Public servant" means any person employed in any way by a government of this
86 state who is compensated by the government by reason of such person's employment, any person
87 appointed to a position with any government of this state, or any person elected to a position with
88 any government of this state. It includes, but is not limited to, legislators, jurors, members of the
89 judiciary and law enforcement officers. It does not include witnesses;

90 (24) "Purposely" has the meaning specified in section 562.016;

91 (25) "Recklessly" has the meaning specified in section 562.016;

92 (26) "Ritual" or "ceremony" means an act or series of acts performed by two or more
93 persons as part of an established or prescribed pattern of activity;

94 (27) "Serious emotional injury", an injury that creates a substantial risk of temporary or
95 permanent medical or psychological damage, manifested by impairment of a behavioral,
96 cognitive or physical condition. Serious emotional injury shall be established by testimony of
97 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
98 medical or psychological certainty;

99 (28) "Serious physical injury" means physical injury that creates a substantial risk of
100 death or that causes serious disfigurement or protracted loss or impairment of the function of any
101 part of the body;

102 (29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;
103 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,
104 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

105 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the
106 breast of any female person, or any such touching through the clothing, for the purpose of
107 arousing or gratifying sexual desire of any person;

108 (31) "Sexual performance", any performance, or part thereof, which includes sexual
109 conduct by a child who is less than seventeen years of age;

110 (32) "Voluntary act" has the meaning specified in section 562.011.

558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

(2) **Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;**

(3) **Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;**

(4) **Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;**

(5) **Rape committed or attempted before August 13, 1980;**

(6) **Sodomy committed or attempted before January 1, 1995.**

2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a "predatory sexual offender" is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child

39 molestation in the first degree when classified as a class B felony or sexual abuse when classified
40 as a class B felony; or

41 (2) Has previously committed an act which would constitute an offense listed in
42 subsection 4 of this section, whether or not the act resulted in a conviction; or

43 (3) Has committed an act or acts against more than one victim which would constitute
44 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was
45 charged with an additional offense or offenses as a result of such act or acts.

46 6. A person found to be a predatory sexual offender shall be imprisoned for life with
47 eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found
48 to be predatory sexual offenders for the purposes of determining the minimum prison term or the
49 length of sentence as defined or used in such subsection. Notwithstanding any other provision
50 of law, in no event shall a person found to be a predatory sexual offender receive a final
51 discharge from parole.

52 7. Notwithstanding any other provision of law, the court shall set the minimum time
53 required to be served before a predatory sexual offender is eligible for parole, conditional release
54 or other early release by the department of corrections. The minimum time to be served by a
55 person found to be a predatory sexual offender who:

56 (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
57 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
58 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
59 guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
60 sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or**
61 **attempting to commit any of the offenses listed in subsection 1 of this section and is found**
62 **guilty of committing or attempting to commit any of the offenses listed in subsection 1 of**
63 **this section** shall be any number of years but not less than thirty years;

64 (2) Has previously pleaded guilty to or has been found guilty of child molestation in the
65 first degree when classified as a class B felony or sexual abuse when classified as a class B
66 felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible
67 rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree]
68 **any of the offenses listed in subsection 1 of this section** shall be any number of years but not
69 less than fifteen years;

70 (3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
71 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
72 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
73 guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of**
74 **this section, or committing** child molestation in the first degree when classified as a class B
75 felony or sexual abuse when classified as a class B felony shall be any number of years but not
76 less than fifteen years;

77 (4) Has previously pleaded guilty to or has been found guilty of child molestation in the
78 first degree when classified as a class B felony or sexual abuse when classified as a class B
79 felony, and pleads guilty to or is found guilty of child molestation in the first degree when
80 classified as a class B felony or sexual abuse when classified as a class B felony shall be any
81 number of years but not less than fifteen years;

82 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of
83 subsection 5 of this section shall be any number of years within the range to which the person
84 could have been sentenced pursuant to the applicable law if the person was not found to be a
85 predatory sexual offender.

86 8. Notwithstanding any provision of law to the contrary, the department of corrections,
87 or any division thereof, may not furlough an individual found to be and sentenced as a persistent
88 sexual offender or a predatory sexual offender.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court
2 specifies that they shall run consecutively; except [that,] in the case of multiple sentences of
3 imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any**
4 **offense committed during or at the same time as, or multiple offenses of, the following**
5 **felonies:**

6 (1) **Rape in the first degree;**

7 (2) **Statutory rape in the first degree;**

8 (3) **Sodomy in the first degree;**

9 (4) **Statutory sodomy in the first degree; or**

10 (5) An attempt to commit any of the [aforesaid and for other offenses committed during
11 or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit
12 any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run
13 concurrently, but] **felonies listed in this subsection. In such case,** the sentence of imprisonment
14 imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any offense of rape**
15 **in the first degree, statutory rape in the first degree, sodomy in the first degree, statutory**
16 **sodomy in the first degree,** or an attempt to commit any of the aforesaid shall run consecutively
17 to the other sentences. **The sentences imposed for any other offense may run concurrently.**

18 2. If a person who is on probation, parole or conditional release is sentenced to a term
19 of imprisonment for an offense committed after the granting of probation or parole or after the
20 start of his conditional release term, the court shall direct the manner in which the sentence or
21 sentences imposed by the court shall run with respect to any resulting probation, parole or
22 conditional release revocation term or terms. If the subsequent sentence to imprisonment is in
23 another jurisdiction, the court shall specify how any resulting probation, parole or conditional
24 release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

25 3. A court may cause any sentence it imposes to run concurrently with a sentence an
26 individual is serving or is to serve in another state or in a federal correctional center. If the

27 Missouri sentence is served in another state or in a federal correctional center, subsection 4 of
28 section 558.011 and section 217.690 shall apply as if the individual were serving his sentence
29 within the department of corrections of the state of Missouri, except that a personal hearing
30 before the board of probation and parole shall not be required for parole consideration.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon
5 its own motion and not that of the state or the offender shall have the power to grant probation
6 to an offender anytime up to one hundred twenty days after such offender has been delivered to
7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this section or order such placement under subsection
14 4 of section 559.036. Upon the recommendation or order of the court, the department of
15 corrections shall assess each offender to determine the appropriate program in which to place the
16 offender, including shock incarceration or institutional treatment. When the court recommends
17 and receives placement of an offender in a department of corrections one hundred twenty-day
18 program, the offender shall be released on probation if the department of corrections determines
19 that the offender has successfully completed the program except as follows. Upon successful
20 completion of a treatment program, the board of probation and parole shall advise the sentencing
21 court of an offender's probationary release date thirty days prior to release. The court shall
22 release the offender unless such release constitutes an abuse of discretion. If the court
23 determined that there is an abuse of discretion, the court may order the execution of the
24 offender's sentence only after conducting a hearing on the matter within ninety to one hundred
25 twenty days of the offender's sentence. If the court does not respond when an offender
26 successfully completes the program, the offender shall be released on probation. Upon
27 successful completion of a shock incarceration program, the board of probation and parole shall
28 advise the sentencing court of an offender's probationary release date thirty days prior to release.
29 The court shall follow the recommendation of the department unless the court determines that
30 probation is not appropriate. If the court determines that probation is not appropriate, the court
31 may order the execution of the offender's sentence only after conducting a hearing on the matter
32 within ninety to one hundred twenty days of the offender's sentence. If the department
33 determines that an offender is not successful in a program, then after one hundred days of
34 incarceration the circuit court shall receive from the department of corrections a report on the

35 offender's participation in the program and department recommendations for terms and
36 conditions of an offender's probation. The court shall then release the offender on probation or
37 order the offender to remain in the department to serve the sentence imposed.

38 4. If the department of corrections one hundred twenty-day program is full, the court may
39 place the offender in a private program approved by the department of corrections or the court,
40 the expenses of such program to be paid by the offender, or in an available program offered by
41 another organization. If the offender is convicted of a class C or class D nonviolent felony, the
42 court may order probation while awaiting appointment to treatment.

43 5. Except when the offender has been found to be a predatory sexual offender pursuant
44 to section 558.018, the court shall request that the offender be placed in the sexual offender
45 assessment unit of the department of corrections if the defendant has pleaded guilty to or has
46 been found guilty of sexual abuse when classified as a class B felony.

47 6. Unless the offender is being granted probation pursuant to successful completion of
48 a one hundred twenty-day program the circuit court shall notify the state in writing when the
49 court intends to grant probation to the offender pursuant to the provisions of this section. The
50 state may, in writing, request a hearing within ten days of receipt of the court's notification that
51 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
52 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
53 writing within ten days, the court may proceed upon its own motion to grant probation.

54 7. An offender's first incarceration for one hundred twenty days for participation in a
55 department of corrections program prior to release on probation shall not be considered a
56 previous prison commitment for the purpose of determining a minimum prison term under the
57 provisions of section 558.019.

58 8. Notwithstanding any other provision of law, probation may not be granted pursuant
59 to this section to offenders who have been convicted of murder in the second degree pursuant
60 to section 565.021; [forcible] rape **in the first degree** pursuant to section 566.030; [forcible]
61 sodomy **in the first degree** pursuant to section 566.060; statutory rape in the first degree
62 pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062;
63 child molestation in the first degree pursuant to section 566.067 when classified as a class A
64 felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an
65 offender who has been found to be a predatory sexual offender pursuant to section 558.018; or
66 any offense in which there exists a statutory prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as
2 a three-year pilot program, a mental health assessment process.

3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is
4 hearing the criminal case in a participating county may request that an offender be placed in the
5 department of corrections for one hundred twenty days for a mental health assessment and for
6 treatment if it appears that the offender has a mental disorder or mental illness such that the

7 offender may qualify for probation including community psychiatric rehabilitation (CPR)
8 programs and such probation is appropriate and not inconsistent with public safety. Before the
9 judge rules upon the motion, the victim shall be given notice of such motion and the opportunity
10 to be heard. Upon recommendation of the court, the department shall determine the offender's
11 eligibility for the mental health assessment process.

12 3. Following this assessment and treatment period, an assessment report shall be sent to
13 the sentencing court and the sentencing court may, if appropriate, release the offender on
14 probation. The offender shall be supervised on probation by a state probation and parole officer,
15 who shall work cooperatively with the department of mental health to enroll eligible offenders
16 in community psychiatric rehabilitation (CPR) programs.

17 4. Notwithstanding any other provision of law, probation shall not be granted under this
18 section to offenders who:

19 (1) Have been found guilty of, or plead guilty to, murder in the second degree under
20 section 565.021;

21 (2) Have been found guilty of, or plead guilty to, [forcible] rape **in the first degree** under
22 section 566.030;

23 (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under
24 section 566.032;

25 (4) Have been found guilty of, or plead guilty to, [forcible] sodomy **in the first degree**
26 under section 566.060;

27 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree
28 under section 566.062;

29 (6) Have been found guilty of, or plead guilty to, child molestation in the first degree
30 under section 566.067 when classified as a class A felony;

31 (7) Have been found to be a predatory sexual offender under section 558.018; or

32 (8) Have been found guilty of, or plead guilty to, any offense for which there exists a
33 statutory prohibition against either probation or parole.

34 5. At the end of the three-year pilot, the director of the department of corrections and the
35 director of the department of mental health shall jointly submit recommendations to the governor
36 and to the general assembly by December 31, 2015, on whether to expand the process statewide.

566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a
2 victim's being incapacitated, no crime is committed if the actor reasonably believed that the
3 victim was not incapacitated and reasonably believed that the victim consented to the act. The
4 defendant shall have the burden of injecting the issue of belief as to capacity and consent.

5 2.] Whenever in this chapter the criminality of conduct depends upon a child being
6 thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

7 [3.] 2. Whenever in this chapter the criminality of conduct depends upon a child being
8 under seventeen years of age, it is an affirmative defense that the defendant reasonably believed
9 that the child was seventeen years of age or older.

10 [4.] 3. Consent is not an affirmative defense to any offense under chapter 566 if the
11 alleged victim is less than twelve years of age.

566.030. 1. A person commits the [crime] **offense of [forcible] rape in the first degree**
2 if [such person] **he or she** has sexual intercourse with another person **who is incapacitated,**
3 **incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.
4 Forcible compulsion includes the use of a substance administered without a victim's knowledge
5 or consent which renders the victim physically or mentally impaired so as to be incapable of
6 making an informed consent to sexual intercourse.

7 2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible]
8 rape **in the first degree** is a felony for which the authorized term of imprisonment is life
9 imprisonment or a term of years not less than five years, unless:

10 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly
11 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
12 intercourse or deviate sexual intercourse with more than one person **or the victim is a child and**
13 **the actor has pled guilty to or has been convicted of the crime of incest against the victim**
14 **under section 568.020**, in which case the authorized term of imprisonment is life imprisonment
15 or a term of years not less than fifteen years;

16 (2) The victim is a child less than twelve years of age, in which case the required term
17 of imprisonment is life imprisonment without eligibility for probation or parole until the
18 [defendant] **offender** has served not less than thirty years of such sentence or unless the
19 [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen
20 years of such sentence, unless such [forcible] rape **in the first degree** is described under
21 subdivision (3) of this subsection; or

22 (3) The victim is a child less than twelve years of age and such [forcible] rape **in the**
23 **first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile,
24 horrible or inhumane, in that it involved torture or depravity of mind, in which case the required
25 term of imprisonment is life imprisonment without eligibility for probation, parole or conditional
26 release.

27 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
28 [pleaded guilty to or has] been found guilty of [forcible] rape **in the first degree or attempt to**
29 **commit rape in the first degree** when the victim is [under the age of] **less than twelve years**
30 **of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural
31 life for the purposes of this section.

32 4. No person found guilty of [or pleading guilty to forcible] rape **in the first degree** or
33 an attempt to commit [forcible] rape **in the first degree** shall be granted a suspended imposition
34 of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape**
2 **in the second degree** if he **or she** has sexual intercourse with another person knowing that he
3 **or she** does so without that person's consent.

4 2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.032. 1. A person commits the crime of statutory rape in the first degree if he has
2 sexual intercourse with another person who is less than fourteen years old.

3 2. Statutory rape in the first degree or an attempt to commit statutory rape in the first
4 degree is a felony for which the authorized term of imprisonment is life imprisonment or a term
5 of years not less than five years, unless in the course thereof the actor inflicts serious physical
6 injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner,
7 subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person,
8 **the actor has pled guilty to or has been convicted of the crime of incest against the victim**
9 **under section 568.020**, or the victim is less than twelve years of age in which case the
10 authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.034. 1. A person commits the crime of statutory rape in the second degree if being
2 twenty-one years of age or older, he has sexual intercourse with another person who is less than
3 seventeen years of age.

4 2. Statutory rape in the second degree is a class C felony **unless the actor has pled**
5 **guilty to or has been convicted of the crime of incest against the victim under section**
6 **568.020, in which case the crime is a class B felony.**

566.060. 1. A person commits the [crime] **offense** of [forcible] sodomy **in the first**
2 **degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is**
3 **incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible
4 compulsion. Forcible compulsion includes the use of a substance administered without a
5 victim's knowledge or consent which renders the victim physically or mentally impaired so as
6 to be incapable of making an informed consent to sexual intercourse.

7 2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit
8 [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment
9 is life imprisonment or a term of years not less than five years, unless:

10 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly
11 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
12 intercourse or deviate sexual intercourse with more than one person **or the victim is a child and**
13 **the actor has pled guilty to or has been convicted of the crime of incest against the victim**
14 **under section 568.020**, in which case the authorized term of imprisonment is life imprisonment
15 or a term of years not less than ten years; or

16 (2) The victim is a child less than twelve years [of age] **old**, in which case the required
17 term of imprisonment is life imprisonment without eligibility for probation or parole until the
18 [defendant] **offender** has served not less than thirty years of such sentence or unless the
19 [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen
20 years of such sentence, unless such [forcible] sodomy **in the first degree** is described under
21 subdivision (3) of this subsection; or

22 (3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the**
23 **first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly
24 vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the
25 required term of imprisonment is life imprisonment without eligibility for probation, parole or
26 conditional release.

27 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
28 [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an**
29 **attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than**
30 **twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a
31 person's natural life for the purposes of this section.

32 4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree**
33 or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended
34 imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense**
2 **of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person
3 knowing that he **or she** does so without that person's consent.

4 2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C
5 felony.

566.062. 1. A person commits the crime of statutory sodomy in the first degree if he has
2 deviate sexual intercourse with another person who is less than fourteen years old.

3 2. Statutory sodomy in the first degree or an attempt to commit statutory sodomy in the
4 first degree is a felony for which the authorized term of imprisonment is life imprisonment or
5 a term of years not less than five years, unless in the course thereof the actor inflicts serious
6 physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening
7 manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than
8 one person, **the actor has pled guilty to or has been convicted of the crime of incest against**
9 **the victim under section 568.020**, or the victim is less than twelve years of age, in which case
10 the authorized term of imprisonment is life imprisonment or a term of years not less than ten
11 years.

566.064. 1. A person commits the crime of statutory sodomy in the second degree if
2 being twenty-one years of age or older, he has deviate sexual intercourse with another person
3 who is less than seventeen years of age.

4 2. Statutory sodomy in the second degree is a class C felony **unless the actor has pled**
5 **guilty to or has been convicted of the crime of incest against the victim under section**
6 **568.020, in which case the crime is a class B felony.**

 566.067. 1. A person commits the crime of child molestation in the first degree if he or
2 she subjects another person who is less than fourteen years of age to sexual contact.

3 2. Child molestation in the first degree is a class B felony unless:

4 (1) The actor has previously been convicted of an offense under this chapter or in the
5 course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly
6 instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony,
7 in which case the crime is a class A felony; [or]

8 (2) The victim is a child less than twelve years of age and:

9 (a) The actor has previously been convicted of an offense under this chapter; or

10 (b) In the course thereof the actor inflicts serious physical injury, displays a deadly
11 weapon or deadly instrument in a threatening manner, or if the offense is committed as part of
12 a ritual or ceremony, in which case, the crime is a class A felony and such person shall serve his
13 or her term of imprisonment without eligibility for probation or parole[.] ; **or**

14 **(3) The actor has pled guilty to or has been convicted of the crime of incest against**
15 **the victim under section 568.020, in which case the crime is a class A felony.**

 566.068. 1. A person commits the crime of child molestation in the second degree if he
2 or she subjects another person who is less than seventeen years of age to sexual contact.

3 2. Child molestation in the second degree is a class A misdemeanor unless the actor has
4 previously been convicted of an offense under this chapter or in the course thereof the actor
5 inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument
6 in a threatening manner, **the actor has pled guilty to or has been convicted of the crime of**
7 **incest against the victim under section 568.020**, or the offense is committed as part of a ritual
8 or ceremony, in which case the crime is a class D felony.

 566.083. 1. A person commits the crime of sexual misconduct involving a child if such
2 person:

3 (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under
4 circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm
5 to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the
7 purpose of arousing or gratifying the sexual desire of any person, including the child;

8 (3) Knowingly coerces or induces a child less than fifteen years of age to expose the
9 child's genitals for the purpose of arousing or gratifying the sexual desire of any person,
10 including the child; or

11 (4) Knowingly coerces or induces a child who is known by such person to be less than
12 fifteen years of age to expose the breasts of a female child through the internet or other electronic

13 means for the purpose of arousing or gratifying the sexual desire of any person, including the
14 child.

15 2. The provisions of this section shall apply regardless of whether the person violates this
16 section in person or via the internet or other electronic means.

17 3. It is not an affirmative defense to prosecution for a violation of this section that the
18 other person was a peace officer masquerading as a minor.

19 4. Sexual misconduct involving a child or attempted sexual misconduct involving a child
20 is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an
21 offense pursuant to this chapter, **the actor has pled guilty to or has been convicted of the**
22 **crime of incest against the victim under section 568.020**, or the actor has previously pleaded
23 guilty to or has been convicted of an offense against the laws of another state or jurisdiction
24 which would constitute an offense under this chapter, in which case it is a class C felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second]
2 **first** degree if such person:

3 (1) Exposes his or her genitals under circumstances in which he or she knows that his
4 or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under circumstances
6 in which he or she knows that such conduct is likely to cause affront or alarm; or

7 (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence
8 of a third person.

9 2. **The offense of** sexual misconduct in the [second] **first** degree is a class B
10 misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an
11 offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third]
2 **second** degree if he **or she** solicits or requests another person to engage in sexual conduct under
3 circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely
4 to cause affront or alarm.

5 2. **The offense of** sexual misconduct in the [third] **second** degree is a class C
6 misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree**
2 if he **or she** subjects another person to sexual contact **when that person is incapacitated,**
3 **incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

4 2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course
5 thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous
6 instrument in a threatening manner or subjects the victim to sexual contact with more than one
7 person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B
8 felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of** sexual [misconduct] **abuse** in the [first] **second** degree is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, **or the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of [sexual assault] **rape in the second degree** under section [566.040 or forcible] **566.031** or **rape in the first degree** under section 566.030 to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second degree** shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

7 2. If the court determines that a person or entity who is requesting identifying
8 information of a victim has a legitimate interest in obtaining such information, the court may
9 allow access to the information, but only if the court determines that disclosure to the person or
10 entity would not compromise the welfare or safety of such victim.

11 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
12 over a [sexual assault,] domestic assault, stalking, or [forcible] rape **in the first or second**
13 **degree** case shall have the discretion to publicly disclose identifying information regarding the
14 defendant which could be used to identify or locate the victim of the crime. The victim may
15 provide a statement to the court regarding whether he or she desires such information to remain
16 closed. When making the decision to disclose such information, the judge shall consider the
17 welfare and safety of the victim and any statement to the court received from the victim
18 regarding the disclosure.

568.060. 1. As used in this section, the following terms shall mean:

2 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any
3 person eighteen years of age or older. For purposes of this section, abuse shall not include injury
4 inflicted on a child by accidental means by a person with care, custody, or control of the child,
5 or discipline of a child by a person with care, custody, or control of the child, including spanking,
6 in a reasonable manner;

7 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by any
8 means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or
9 kicking;

10 (3) "Mental injury", an injury to the intellectual or psychological capacity or the
11 emotional condition of a child as evidenced by an observable and substantial impairment of the
12 ability of the child to function within his or her normal range of performance or behavior;

13 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and
14 control of a child under the age of eighteen years, the care reasonable and necessary to maintain
15 the physical and mental health of the child, when such failure presents a substantial probability
16 that death or physical injury or sexual injury would result;

17 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,
18 including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary
19 disfigurement and impairment of any bodily function or organ;

20 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or
21 permanent medical or psychological damage, manifested by impairment of a behavioral,
22 cognitive, or physical condition. Serious emotional injury shall be established by testimony of
23 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
24 medical or psychological certainty;

25 (7) "Serious physical injury", a physical injury that creates a substantial risk of death or
26 that causes serious disfigurement or protracted loss or impairment of the function of any part of
27 the body.

28 2. A person commits the offense of abuse or neglect of a child if such person knowingly
29 causes a child who is less than eighteen years of age:

30 (1) To suffer physical or mental injury as a result of abuse or neglect; or

31 (2) To be placed in a situation in which the child may suffer physical or mental injury
32 as the result of abuse or neglect.

33 3. A person commits the offense of abuse or neglect of a child if such person recklessly
34 causes a child who is less than eighteen years of age to suffer from abusive head trauma.

35 4. A person does not commit the offense of abuse or neglect of a child by virtue of the
36 sole fact that the person delivers or allows the delivery of child to a provider of emergency
37 services.

38 5. The offense of abuse or neglect of a child is:

39 (1) A class C felony, without eligibility for probation or parole until the defendant has
40 served no less than one year of such sentence, unless the person has previously been found guilty
41 of a violation of this section or of a violation of the law of any other jurisdiction that prohibits
42 the same or similar conduct or the injury inflicted on the child is a serious emotional injury or
43 a serious physical injury, in which case abuse or neglect of a child is a class B felony, without
44 eligibility for probation or parole until the defendant has served not less than five years of such
45 sentence; or

46 (2) **A class A felony if the child dies as a result of injuries sustained from conduct**
47 **chargeable under the provisions of this section.**

48 6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or
49 neglect of a child is a class A felony, without eligibility for probation or parole until the
50 defendant has served not less than fifteen years of such sentence, if:

51 (1) The injury is a serious emotional injury or a serious physical injury;

52 (2) The child is less than fourteen years of age; and

53 (3) The injury is the result of sexual abuse as defined under section 566.100 or sexual
54 exploitation of a minor as defined under section 573.023.

55 7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or
56 neglect of a child to an appropriate public or private agency for treatment or counseling so long
57 as the agency has consented to taking such referrals. Nothing in this subsection shall limit the
58 discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for
59 treatment or counseling pursuant to this subsection.

60 8. Nothing in this section shall be construed to alter the requirement that every element
61 of any crime referred to herein must be proven beyond a reasonable doubt.

62 9. Discipline, including spanking administered in a reasonable manner, shall not be
63 construed to be abuse under this section.

589.015. As used in sections 589.010 to 589.040:

2 (1) The term "center" shall mean the state center for the prevention and control of sexual
3 assault established pursuant to section 589.030;

4 (2) The term "sexual assault" shall include:

5 (a) The acts of rape **in the first or second degree**, [forcible rape,] statutory rape in the
6 first degree, statutory rape in the second degree, [sexual assault,] sodomy **in the first or second**
7 **degree**, [forcible sodomy,] statutory sodomy in the first degree, statutory sodomy in the second
8 degree, child molestation in the first degree, child molestation in the second degree, [deviate
9 sexual assault,] sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid,
10 as these acts are defined in chapter 566;

11 (b) The act of incest, as this act is defined in section 568.020;

12 (c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section
13 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of
14 section 568.060;

15 (d) The act of use of a child in a sexual performance as defined in section 568.080; and

16 (e) The act of enticement of a child, as defined in section 566.151, or any attempt to
17 commit such act.

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 4 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 to register as a sex offender under sections 589.400 to 589.425** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register **as a sex offender** pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall obtain the address where the person expects to reside upon discharge, parole or release and shall **make it a condition of probation that the offender** report, within [three] **five** business days[, such address] to the chief law enforcement official of the county or city not within a county where the person expects to reside, upon discharge, parole or release **to complete the initial registration. If such offender is not placed on probation, the court shall complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the notification form within three business days to the Missouri state highway patrol. If the offender resides in Missouri, the court shall also within three business days forward a copy of the notification form to the chief law enforcement official in the county in which the offender resides. If the offender does not reside in Missouri, the court shall order the offender to proceed within five business days to the chief law enforcement official who has jurisdiction over the area of the other state in which the offender resides or plans to reside to register as a sex offender and shall order the Missouri state highway patrol to forward a copy of the 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 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form **will consist of a statement in writing, including the signature of the offender and** shall include, but is not limited to the following:

(1) [A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;] **The full name of the individual to include any alias, maiden name, nicknames, pseudonym, ethnic or tribal names used, regardless of the context in which they are used;**

(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 mental health 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 mental health and completed within the six months immediately preceding**
53 **the date of the filing of the petition. Any person required to submit a completed sex**
54 **offender risk assessment shall not seek to be or be assessed more than one time for each**
55 **petition filed with the court. Any second or subsequent sex offender risk assessments**
56 **obtained shall 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 **mental health. 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 mental health 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 mental health. In addition the Offender Pending Classification shall, within**
34 **ten business days of the date of filing the petition, deliver to the department of mental**
35 **health, by mail or any other means, a file stamped copy of the petition for classification and**
36 **the 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 mental health with the court within the six-month time**
40 **limit or fails to deliver a file stamped copy of the petition for classification and sex offender**
41 **risk assessment report to the department of mental health within the ten-day time limit,**
42 **the department of mental health shall automatically classify the offender as a Tier III**
43 **offender and shall, within three business days of the date of classification, mail a copy of**

44 the Sex Offender Classification Form to the offender at the address listed on the sex
45 offender registry, and forward a copy of the Sex Offender Classification Form by
46 electronic or other means to the court in which the petition should have been filed and to
47 the chief law enforcement official in the county or city not within a county where the
48 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 and mail a Tier III Offender's Packet to the offender at
58 the address listed on the sex offender registry.

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

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

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

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

81 requested, and by the return registered mail receipt which shall be filed as a document in
82 the case.

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

87 **17. If the court does not dismiss the petition for reclassification under the**
88 **provisions of subsection 16 of this section or under any provision of section 589.448, the**
89 **court shall hold a hearing on the petition within thirty days of the date the petition was**
90 **filed. Upon conclusion of the hearing the court shall classify the offender as a Tier I, II,**
91 **or III offender and shall designate that classification on a Sex Offender Classification Form**
92 **in accordance with the provisions of section 589.448.**

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

7 **2. The contents of the Unclassified Offender Packet shall be determined by the**
8 **Missouri state highway patrol but at a minimum shall include the following:**

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

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

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

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

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

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

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

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

34 **(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 Missouri state highway patrol 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 mental health, and shall enter the offender's designation on their local**
10 **sex 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 mental health 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 mental health at the address designated by
11 the department for receipt of file stamped petitions and sex offender risk assessment
12 reports; 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 II or I 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 Missouri state highway patrol shall, prior to January 1, 2014,
2 **develop a Sex Offender Classification Form to be used by the patrol, the department of**
3 **mental health, and the courts to classify registered sex offenders or to be used by**
4 **registering law enforcement officials to designate an offender as an Offender Pending**
5 **Classification. The Missouri state highway patrol shall, prior to January 1, 2014, provide**
6 **the Sex Offender Classification Forms to the department of mental health, all registering**
7 **law enforcement officials, and all circuit courts in this state.**

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

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

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

12 **(b) A Tier II offender;**

13 **(c) A Tier III offender; or**

14 **(2) A place to designate the offender as an Offender Pending Classification;**

15 **(3) A place to enter the name of the offender; and**

16 **(4) A place for the department of mental health, the patrol, registering law**
17 **enforcement official, or court to sign.**

589.452. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop a Tier III Offender's Packet to be used by the department of mental health when it automatically classifies an offender as a Tier III offender.

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

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

"You have been automatically classified by The Department of Mental Health as a Tier III offender.

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

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

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

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

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

(2) A copy of section 589.414;

(3) A copy of section 589.448;

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

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

589.454. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop an Offender Pending Classification Packet to be used by all registering law enforcement officials. The patrol shall, prior to January 1, 2014, provide the Offender Pending Classification Packets to all registering law enforcement officials in this state.

2. The contents of the Offender Pending Classification Packet shall be determined by the Missouri state highway patrol but at a minimum shall include the following:

(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 mental health 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 mental health to provide sex**
25 **offender risk assessments. You may only be risk assessed one time by a mental health**
26 **provider for each petition filed with the court. A copy of the approved sexual offender**
27 **mental health 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 mental**
30 **health, within ten days of filing the petition, to the address designated by the department**
31 **for receipt of such petitions and risk assessment reports. The designated address is**
32 **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 mental health a**
35 **file stamped copy of the petition and risk assessment report within the ten day time limit,**
36 **the department of mental health will automatically classify you as a Tier III offender and**
37 **any 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 mental health 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 mental health 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 of mental health shall review the sexual offender mental health
22 providers list on an annual basis to make any required changes, deletions, or additions.

23 3. The department of mental health 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 mental health shall, prior to January 1, 2014, evaluate
37 existing sex offender risk assessment tools as defined in subsection 5 of this section and
38 approve one or more of such tools for use by the mental health providers in conducting the
39 assessments and completing a sex offender risk assessment report. The department shall
40 not approve any sex offender risk assessment tool unless it includes both dynamic and

41 static risk factors as those terms are defined in subsection 5 of this section. The
42 department shall, prior to January 1, 2014, provide the list of approved tools, in any
43 manner it chooses to each mental 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 mental health 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 mental health 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 589.416, 589.418, 589.440, 589.446, and**
80 **589.448.**

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

87 **10. Beginning January 1, 2014, the department of mental health shall accept and**
88 **file for tracking and review purposes all petitions for classification, petitions for**
89 **reclassification, petitions for removal, and sex offender risk assessment reports delivered**
90 **to the department by offenders under the provisions of sections 589.416, 589.418, 589.440,**
91 **589.446, and 589.448.**

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

590.700. 1. As used in this section, the following terms shall mean:

2 (1) "Custodial interrogation", the questioning of a person under arrest, who is no longer
3 at the scene of the crime, by a member of a law enforcement agency along with the answers and
4 other statements of the person questioned. "Custodial interrogation" shall not include:

5 (a) A situation in which a person voluntarily agrees to meet with a member of a law
6 enforcement agency;

7 (b) A detention by a law enforcement agency that has not risen to the level of an arrest;

8 (c) Questioning that is routinely asked during the processing of the arrest of the suspect;

9 (d) Questioning pursuant to an alcohol influence report;

10 (e) Questioning during the transportation of a suspect;

11 (2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or
12 digital recording.

13 2. All custodial interrogations of persons suspected of committing or attempting to
14 commit murder in the first degree, murder in the second degree, assault in the first degree, assault

15 of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse
16 in the first degree, robbery in the first degree, arson in the first degree, [forcible] rape **in the first**
17 **degree**, [forcible] sodomy **in the first degree**, kidnapping, statutory rape in the first degree,
18 statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when
19 feasible.

20 3. Law enforcement agencies may record an interrogation in any circumstance with or
21 without the knowledge or consent of a suspect, but they shall not be required to record an
22 interrogation under subsection 2 of this section:

23 (1) If the suspect requests that the interrogation not be recorded;

24 (2) If the interrogation occurs outside the state of Missouri;

25 (3) If exigent public safety circumstances prevent recording;

26 (4) To the extent the suspect makes spontaneous statements;

27 (5) If the recording equipment fails; or

28 (6) If recording equipment is not available at the location where the interrogation takes
29 place.

30 4. Each law enforcement agency shall adopt a written policy to record custodial
31 interrogations of persons suspected of committing or attempting to commit the felony crimes
32 described in subsection 2 of this section.

33 5. If a law enforcement agency fails to comply with the provisions of this section, the
34 governor may withhold any state funds appropriated to the noncompliant law enforcement
35 agency if the governor finds that the agency did not act in good faith in attempting to comply
36 with the provisions of this section.

37 6. Nothing in this section shall be construed as a ground to exclude evidence, and a
38 violation of this section shall not have impact other than that provided for in subsection 5 of this
39 section. Compliance or noncompliance with this section shall not be admitted as evidence,
40 argued, referenced, considered or questioned during a criminal trial.

41 7. Nothing contained in this section shall be construed to authorize, create, or imply a
42 private cause of action.

632.480. As used in sections 632.480 to 632.513, the following terms mean:

2 (1) "Agency with jurisdiction", the department of corrections or the department of mental
3 health;

4 (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or
5 volitional capacity which predisposes the person to commit sexually violent offenses in a degree
6 constituting such person a menace to the health and safety of others;

7 (3) "Predatory", acts directed towards individuals, including family members, for the
8 primary purpose of victimization;

9 (4) "Sexually violent offense", the felonies of **rape in the first degree**, forcible rape,
10 rape, statutory rape in the first degree, **sodomy in the first degree**, forcible sodomy, sodomy,

11 statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or
12 child molestation in the first or second degree, sexual abuse **in the first degree**, sexual assault,
13 deviate sexual assault, **rape in the second degree, sodomy in the second degree**, or the act of
14 abuse of a child as defined in subdivision (1) of subsection 1 of section 568.060 which involves
15 sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

16 (5) "Sexually violent predator", any person who suffers from a mental abnormality which
17 makes the person more likely than not to engage in predatory acts of sexual violence if not
18 confined in a secure facility and who:

19 (a) Has pled guilty or been found guilty, or been found not guilty by reason of mental
20 disease or defect pursuant to section 552.030 of a sexually violent offense; or

21 (b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and
22 statutes in effect before August 13, 1980.

Section B. Because immediate action is necessary to protect children the repeal and
2 reenactment of sections 556.061 and 568.060 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
5 of sections 556.061 and 568.060 of section A of this act shall be in full force and effect upon its
6 passage and approval.

Section C. 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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