

FIRST REGULAR SESSION

SENATE BILL NO. 134

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

0804S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 566.149, 589.401, 589.414, and 595.209, RSMo, and to enact in lieu thereof four new sections relating to public safety, with penalty provisions.

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

Section A. Sections 566.149, 589.401, 589.414, and
2 595.209, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 566.149, 589.401, 589.414,
4 and 595.209, to read as follows:

566.149. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 subsection 2 of section 568.080 as it existed prior to
6 January 1, 2017, or section 573.200, use of a child in a
7 sexual performance; section 568.090 as it existed prior to
8 January 1, 2017, or section 573.205, promoting a sexual
9 performance by a child; section 573.023, sexual exploitation
10 of a minor; section 573.037, possession of child
11 pornography; section 573.025, promoting child pornography;
12 or section 573.040, furnishing pornographic material to
13 minors; or

14 (2) Any offense in any other jurisdiction which, if
15 committed in this state, would be a violation listed in this
16 section;

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

17 shall not be present in or loiter within five hundred feet
18 of any school building, on real property comprising any
19 school, or in any conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school-
21 related activity when persons under the age of eighteen are
22 present in the building, on the grounds, or in the
23 conveyance, unless the offender is a parent, legal guardian,
24 or custodian of a student present in the building and has
25 met the conditions set forth in subsection 2 of this section.

26 2. No parent, legal guardian, or custodian who has
27 been found guilty of violating any of the offenses listed in
28 subsection 1 of this section, **except as provided in**
29 **subsection 3 of this section**, shall be present in any school
30 building, on real property comprising any school, or in any
31 conveyance owned, leased, or contracted by a school to
32 transport students to or from school or a school-related
33 activity when persons under the age of eighteen are present
34 in the building, on the grounds or in the conveyance unless
35 the parent, legal guardian, or custodian has permission to
36 be present from the superintendent or school board or in the
37 case of a private school from the principal. In the case of
38 a public school, if permission is granted, the
39 superintendent or school board president must inform the
40 principal of the school where the sex offender will be
41 present. Permission may be granted by the superintendent,
42 school board, or in the case of a private school from the
43 principal for more than one event at a time, such as a
44 series of events, however, the parent, legal guardian, or
45 custodian must obtain permission for any other event he or
46 she wishes to attend for which he or she has not yet had
47 permission granted.

48 3. **No parent, legal guardian, or custodian who has**
49 **been required to register as a tier III offender because of**
50 **having been adjudicated for a tier III offense as provided**
51 **in section 589.414 shall be present in any school building**
52 **on real property comprising any school, or in any conveyance**
53 **owned, leased, or contracted by a school to transport**
54 **students to or from school or a school-related activity when**
55 **persons under the age of eighteen are present in the**
56 **building, on the grounds, or in the conveyance.**

57 4. Regardless of the person's knowledge of his or her
58 proximity to school property or a school-related activity,
59 violation of the provisions of this section is a class A
60 misdemeanor.

 589.401. 1. A person on the sexual offender registry
2 may file a petition in the division of the circuit court in
3 the county or city not within a county in which the offense
4 requiring registration was committed to have his or her name
5 removed from the sexual offender registry.

6 2. A person who is required to register in this state
7 because of an offense that was adjudicated in another
8 jurisdiction shall file his or her petition for removal
9 according to the laws of the state, territory, tribal, or
10 military jurisdiction, the District of Columbia, or foreign
11 country in which his or her offense was adjudicated. Upon
12 the grant of the petition for removal in the jurisdiction
13 where the offense was adjudicated, such judgment may be
14 registered in this state by sending the information required
15 under subsection 5 of this section as well as one
16 authenticated copy of the order granting removal from the
17 sexual offender registry in the jurisdiction where the
18 offense was adjudicated to the court in the county or city
19 not within a county in which the offender is required to

20 register. On receipt of a request for registration removal,
21 the registering court shall cause the order to be filed as a
22 foreign judgment, together with one copy of the documents
23 and information, regardless of their form. The petitioner
24 shall be responsible for costs associated with filing the
25 petition.

26 3. A person required to register:

27 (1) As a tier III offender;

28 (2) **Under subdivision (7) of subsection 1 of section**
29 **589.400; or**

30 (3) **As a result of an offense that is sexual in nature**
31 **committed against a minor or against an incapacitated person**
32 **as defined under section 475.010;**

33 shall not file a petition under this section unless the
34 requirement to register results from a juvenile adjudication.

35 4. The petition shall be dismissed without prejudice
36 if the following time periods have not elapsed since the
37 date the person was required to register for his or her most
38 recent offense under sections 589.400 to 589.425:

39 (1) For a tier I offense, ten years;

40 (2) For a tier II offense, twenty-five years; or

41 (3) For a tier III offense adjudicated delinquent,
42 twenty-five years.

43 5. The petition shall be dismissed without prejudice
44 if it fails to include any of the following:

45 (1) The petitioner's:

46 (a) Full name, including any alias used by the
47 individual;

48 (b) Sex;

49 (c) Race;

50 (d) Date of birth;

- 51 (e) Last four digits of the Social Security number;
- 52 (f) Address; and
- 53 (g) Place of employment, school, or volunteer status;
- 54 (2) The offense and tier of the offense that required
- 55 the petitioner to register;
- 56 (3) The date the petitioner was adjudicated for the
- 57 offense;
- 58 (4) The date the petitioner was required to register;
- 59 (5) The case number and court, including the county or
- 60 city not within a county, that entered the original order
- 61 for the adjudicated sex offense;
- 62 (6) Petitioner's fingerprints on an applicant
- 63 fingerprint card;
- 64 (7) If the petitioner was pardoned or an offense
- 65 requiring registration was reversed, vacated, or set aside,
- 66 an authenticated copy of the order; and
- 67 (8) If the petitioner is currently registered under
- 68 applicable law and has not been adjudicated for failure to
- 69 register in any jurisdiction and does not have any charges
- 70 pending for failure to register.
- 71 6. The petition shall name as respondents the Missouri
- 72 state highway patrol and the chief law enforcement official
- 73 in the county or city not within a county in which the
- 74 petition is filed.
- 75 7. All proceedings under this section shall be
- 76 governed under the Missouri supreme court rules of civil
- 77 procedure.
- 78 8. The person seeking removal or exemption from the
- 79 registry shall provide the prosecuting attorney in the
- 80 circuit court in which the petition is filed with notice of
- 81 the petition. The prosecuting attorney may present evidence
- 82 in opposition to the requested relief or may otherwise

83 demonstrate the reasons why the petition should be denied.
84 Failure of the person seeking removal or exemption from the
85 registry to notify the prosecuting attorney of the petition
86 shall result in an automatic denial of such person's
87 petition.

88 9. The prosecuting attorney in the circuit court in
89 which the petition is filed shall have access to all
90 applicable records concerning the petitioner including, but
91 not limited to, criminal history records, mental health
92 records, juvenile records, and records of the department of
93 corrections or probation and parole.

94 10. The prosecuting attorney shall make reasonable
95 efforts to notify the victim of the crime for which the
96 person was required to register of the petition and the
97 dates and times of any hearings or other proceedings in
98 connection with such petition.

99 11. The court shall not enter an order directing the
100 removal of the petitioner's name from the sexual offender
101 registry unless it finds the petitioner:

102 (1) Has not been adjudicated or does not have charges
103 pending for any additional nonsexual offense for which
104 imprisonment for more than one year may be imposed since the
105 date the offender was required to register for his or her
106 current tier level;

107 (2) Has not been adjudicated or does not have charges
108 pending for any additional sex offense that would require
109 registration under sections 589.400 to 589.425 since the
110 date the offender was required to register for his or her
111 current tier level, even if the offense was punishable by
112 less than one year imprisonment;

113 (3) Has successfully completed any required periods of
114 supervised release, probation, or parole without revocation

115 since the date the offender was required to register for his
116 or her current tier level;

117 (4) Has successfully completed an appropriate sex
118 offender treatment program as approved by a court of
119 competent jurisdiction or the Missouri department of
120 corrections; and

121 (5) Is not a current or potential threat to public
122 safety.

123 12. In order to meet the criteria required by
124 subdivisions (1) and (2) of subsection 11 of this section,
125 the fingerprints filed in the case shall be examined by the
126 Missouri state highway patrol. The petitioner shall be
127 responsible for all costs associated with the fingerprint-
128 based criminal history check of both state and federal files
129 under section 43.530.

130 13. If the petition is denied due to an adjudication
131 in violation of subdivision (1) or (2) of subsection 11 of
132 this section, the petitioner shall not file a new petition
133 under this section until:

134 (1) Fifteen years have passed from the date of the
135 adjudication resulting in the denial of relief if the
136 petitioner is classified as a tier I offender;

137 (2) Twenty-five years have passed from the date of
138 adjudication resulting in the denial of relief if the
139 petitioner is classified as a tier II offender; or

140 (3) Twenty-five years have passed from the date of the
141 adjudication resulting in the denial of relief if the
142 petitioner is classified as a tier III offender on the basis
143 of a juvenile adjudication.

144 14. If the petition is denied due to the petitioner
145 having charges pending in violation of subdivision (1) or

146 (2) of subsection 11 of this section, the petitioner shall
147 not file a new petition under this section until:

148 (1) The pending charges resulting in the denial of
149 relief have been finally disposed of in a manner other than
150 adjudication; or

151 (2) If the pending charges result in an adjudication,
152 the necessary time period has elapsed under subsection 13 of
153 this section.

154 15. If the petition is denied for reasons other than
155 those outlined in subsection 11 of this section, no
156 successive petition requesting such relief shall be filed
157 for at least five years from the date the judgment denying
158 relief is entered.

159 16. If the court finds the petitioner is entitled to
160 have his or her name removed from the sexual offender
161 registry, the court shall enter judgment directing the
162 removal of the name. A copy of the judgment shall be
163 provided to the respondents named in the petition.

164 17. Any person subject to the judgment requiring his
165 or her name to be removed from the sexual offender registry
166 is not required to register under sections 589.400 to
167 589.425 unless such person is required to register for an
168 offense that was different from that listed on the judgment
169 of removal.

170 18. The court shall not deny the petition unless the
171 petition failed to comply with the provisions of sections
172 589.400 to 589.425 or the prosecuting attorney provided
173 evidence demonstrating the petition should be denied.

589.414. 1. Any person required by sections 589.400
2 to 589.425 to register shall, within three business days,
3 appear in person to the chief law enforcement officer of the

4 county or city not within a county if there is a change to
5 any of the following information:

6 (1) Name;

7 (2) Residence;

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

10 (4) Student status; or

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

13 2. Any person required to register under sections
14 589.400 to 589.425 shall, within three business days, notify
15 the chief law enforcement official of the county or city not
16 within a county of any changes to the following information:

17 (1) Vehicle information;

18 (2) Temporary lodging information;

19 (3) Temporary residence information;

20 (4) Email addresses, instant messaging addresses, and
21 any other designations used in internet communications,
22 postings, or telephone communications; or

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

25 3. The chief law enforcement official in the county or
26 city not within a county shall immediately forward the
27 registration changes described under subsections 1 and 2 of
28 this section to the Missouri state highway patrol within
29 three business days.

30 4. If any person required by sections 589.400 to
31 589.425 to register changes such person's residence or
32 address to a different county or city not within a county,
33 the person shall appear in person and shall inform both the
34 chief law enforcement official with whom the person last
35 registered and the chief law enforcement official of the

36 county or city not within a county having jurisdiction over
37 the new residence or address in writing within three
38 business days of such new address and phone number, if the
39 phone number is also changed. If any person required by
40 sections 589.400 to 589.425 to register changes his or her
41 state, territory, the District of Columbia, or foreign
42 country, or federal, tribal, or military jurisdiction of
43 residence, the person shall appear in person and shall
44 inform both the chief law enforcement official with whom the
45 person was last registered and the chief law enforcement
46 official of the area in the new state, territory, the
47 District of Columbia, or foreign country, or federal,
48 tribal, or military jurisdiction having jurisdiction over
49 the new residence or address within three business days of
50 such new address. Whenever a registrant changes residence,
51 the chief law enforcement official of the county or city not
52 within a county where the person was previously registered
53 shall inform the Missouri state highway patrol of the change
54 within three business days. When the registrant is changing
55 the residence to a new state, territory, the District of
56 Columbia, or foreign country, or federal, tribal, or
57 military jurisdiction, the Missouri state highway patrol
58 shall inform the responsible official in the new state,
59 territory, the District of Columbia, or foreign country, or
60 federal, tribal, or military jurisdiction of residence
61 within three business days.

62 5. Tier I sexual offenders, in addition to the
63 requirements of subsections 1 to 4 of this section, shall
64 report in person to the chief law enforcement official
65 annually in the month of their birth to verify the
66 information contained in their statement made pursuant to
67 section 589.407. Tier I sexual offenders include:

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

70 (a) Sexual abuse in the first degree under section
71 566.100 if the victim is eighteen years of age or older;

72 (b) [Sexual misconduct involving a child under section
73 566.083 if it is a first offense and the punishment is less
74 than one year;

75 [(c)] Sexual abuse in the second degree under section
76 566.101 if the punishment is less than a year;

77 [(d)] (c) Kidnapping in the second degree under
78 section 565.120 with sexual motivation;

79 [(e)] (d) Kidnapping in the third degree under section
80 565.130;

81 [(f)] (e) Sexual conduct with a nursing facility
82 resident or vulnerable person in the first degree under
83 section 566.115 if the punishment is less than one year;

84 [(g)] (f) Sexual conduct under section 566.116 with a
85 nursing facility resident or vulnerable person;

86 [(h)] (g) Sexual [contact with a prisoner or offender]
87 **conduct in the course of public duty** under section 566.145
88 if the victim is eighteen years of age or older;

89 [(i)] (h) Sex with an animal under section 566.111;

90 [(j)] (i) Trafficking for the purpose of sexual
91 exploitation under section 566.209 if the victim is eighteen
92 years of age or older;

93 [(k)] (j) Possession of child pornography under
94 section 573.037;

95 [(l)] (k) Sexual misconduct in the first degree under
96 section 566.093;

97 [(m)] (l) Sexual misconduct in the second degree under
98 section 566.095;

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

102 [(o)] (m) Invasion of privacy under section 565.252 if
103 the victim is less than eighteen years of age;

104 (2) Any offender who is or has been adjudicated in any
105 other state, territory, the District of Columbia, or foreign
106 country, or under federal, tribal, or military jurisdiction
107 of an offense of a sexual nature or with a sexual element
108 that is comparable to the tier I sexual offenses listed in
109 this subsection or, if not comparable to those in this
110 subsection, comparable to those described as tier I offenses
111 under the Sex Offender Registration and Notification Act,
112 Title I of the Adam Walsh Child Protection and Safety Act of
113 2006, Pub. L. 109-248.

114 6. Tier II sexual offenders, in addition to the
115 requirements of subsections 1 to 4 of this section, shall
116 report semiannually in person in the month of their birth
117 and six months thereafter to the chief law enforcement
118 official to verify the information contained in their
119 statement made pursuant to section 589.407. Tier II sexual
120 offenders include:

121 (1) Any offender who has been adjudicated for the
122 offense of[:

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

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

129 (c) Sexual contact with a student under section
130 566.086 if the victim is thirteen to seventeen years of age;

- 131 (d) Enticement of a child under section 566.151;
132 (e) Abuse of a child under section 568.060 if the
133 offense is of a sexual nature and the victim is thirteen to
134 seventeen years of age;
135 (f) Sexual exploitation of a minor under section
136 573.023;
137 (g) Promoting child pornography in the first degree
138 under section 573.025;
139 (h) Promoting child pornography in the second degree
140 under section 573.035;
141 (i)] patronizing prostitution under section 567.030;
142 [(j) Sexual contact with a prisoner or offender under
143 section 566.145 if the victim is thirteen to seventeen years
144 of age;
145 (k) Child molestation in the fourth degree under
146 section 566.071 if the victim is thirteen to seventeen years
147 of age;
148 (l) Sexual misconduct involving a child under section
149 566.083 if it is a first offense and the penalty is a term
150 of imprisonment of more than a year; or
151 (m) Age misrepresentation with intent to solicit a
152 minor under section 566.153;]
- 153 (2) Any person who is adjudicated of an offense
154 comparable to a tier I offense listed in this section or
155 failure to register offense under section 589.425 or
156 comparable out-of-state failure to register offense and who
157 is already required to register as a tier I offender due to
158 having been adjudicated of a tier I offense on a previous
159 occasion; or
- 160 (3) Any person who is or has been adjudicated in any
161 other state, territory, the District of Columbia, or foreign
162 country, or under federal, tribal, or military jurisdiction

163 for an offense of a sexual nature or with a sexual element
164 that is comparable to the tier II sexual offenses listed in
165 this subsection or, if not comparable to those in this
166 subsection, comparable to those described as tier II
167 offenses under the Sex Offender Registration and
168 Notification Act, Title I of the Adam Walsh Child Protection
169 and Safety Act of 2006, Pub. L. 109-248.

170 7. Tier III sexual offenders, in addition to the
171 requirements of subsections 1 to 4 of this section, shall
172 report in person to the chief law enforcement official every
173 ninety days to verify the information contained in their
174 statement made under section 589.407 **and the court shall be**
175 **required to order the sexual offender to be monitored using**
176 **electronic monitoring equipment pursuant to section 455.095**
177 **for the sexual offender's lifetime.** Tier III sexual
178 offenders include:

179 (1) Any offender registered as a predatory sexual
180 offender [as defined in section 566.123] or a persistent
181 sexual offender as defined in section [566.124] **566.125;**

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

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

185 (b) Statutory rape in the first degree under section
186 566.032;

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

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

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

192 (f) Statutory sodomy under section 566.062;

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

195 (h) Sodomy in the second degree under section 566.061;
196 (i) Sexual misconduct involving a child under section
197 566.083 **[if the offense is a second or subsequent offense];**
198 (j) Sexual abuse in the first degree under section
199 566.100 if the victim is under thirteen years of age;
200 (k) **Age misrepresentation with intent to solicit a**
201 **minor under section 566.153;**
202 (l) **Enticement of a child under section 566.151;**
203 (m) Kidnapping in the first degree under section
204 565.110 if the victim is under eighteen years of age,
205 excluding kidnapping by a parent or guardian;
206 **[(l)] (n) Child kidnapping under section 565.115 with**
207 **sexual motivation;**
208 **[(m)] (o) Sexual conduct with a nursing facility**
209 **resident or vulnerable person in the first degree under**
210 **section 566.115 if the punishment is greater than a year;**
211 **[(n)] (p) Incest under section 568.020;**
212 **[(o)] (q) Endangering the welfare of a child in the**
213 **first degree under section 568.045 with sexual intercourse**
214 **or deviate sexual intercourse with a victim under eighteen**
215 **years of age;**
216 **[(p)] (r) Child molestation in the first degree under**
217 **section 566.067;**
218 **[(q)] (s) Child molestation in the second degree under**
219 **section 566.068 or child molestation in the second degree**
220 **under section 566.068 as it existed prior to January 1,**
221 **2017, if the punishment is less than one year;**
222 **[(r)] (t) Child molestation in the third degree under**
223 **section 566.069 if the victim is under [thirteen] fourteen**
224 **years of age;**

225 [(s)] (u) Promoting prostitution in the first degree
226 under section 567.050 if the victim is under eighteen years
227 of age;

228 [(t)] (v) Promoting prostitution in the second degree
229 under section 567.060 if the victim is under eighteen years
230 of age;

231 [(u)] (w) Promoting prostitution in the third degree
232 under section 567.070 if the victim is under eighteen years
233 of age;

234 [(v)] (x) Promoting travel for prostitution under
235 section 567.085 if the victim is under eighteen years of age;

236 [(w)] (y) Trafficking for the purpose of sexual
237 exploitation under section 566.209 if the victim is under
238 eighteen years of age;

239 [(x)] (z) Sexual trafficking of a child in the first
240 degree under section 566.210;

241 [(y)] (aa) Sexual trafficking of a child in the second
242 degree under section 566.211;

243 [(z)] (bb) Genital mutilation of a female child under
244 section 568.065;

245 [(aa)] (cc) Statutory rape in the second degree under
246 section 566.034;

247 [(bb)] (dd) Child molestation in the fourth degree
248 under section 566.071 if the victim is under [thirteen]
249 **seventeen** years of age;

250 [(cc)] (ee) Sexual abuse in the second degree under
251 section 566.101 if the penalty is a term of imprisonment of
252 more than a year;

253 [(dd)] (ff) Patronizing prostitution under section
254 567.030 if the offender is a persistent offender **or if the**
255 **victim is under eighteen years of age;**

256 [(ee)] (gg) Abuse of a child under section 568.060 if
257 the offense is of a sexual nature and the victim is under
258 [thirteen] **eighteen** years of age;

259 [(ff)] (hh) Sexual [contact with a prisoner or
260 offender] **conduct in the course of public duty** under section
261 566.145 if the victim is under [thirteen] **eighteen** years of
262 age;

263 [(gg) Sexual intercourse with a prisoner or offender
264 under section 566.145;

265 [(hh)] (ii) Sexual contact with a student under section
266 566.086 if the victim is under [thirteen] **eighteen** years of
267 age;

268 (jj) **Sexual exploitation of a minor under section**
269 **573.023;**

270 (kk) **Promoting child pornography in the first degree**
271 **under section 573.025;**

272 (ll) **Promoting child pornography in the second degree**
273 **under section 573.035;**

274 [(ii)] (mm) Use of a child in a sexual performance
275 under section 573.200; or

276 [(jj)] (nn) Promoting a sexual performance by a child
277 under section 573.205;

278 (3) Any offender who is adjudicated for a crime
279 comparable to a tier I or tier II offense listed in this
280 section or failure to register offense under section
281 589.425, or other comparable out-of-state failure to
282 register offense, who has been or is already required to
283 register as a tier II offender because of having been
284 adjudicated for a tier II offense, two tier I offenses, or
285 combination of a tier I offense and failure to register
286 offense, on a previous occasion;

287 (4) Any offender who is adjudicated in any other
288 state, territory, the District of Columbia, or foreign
289 country, or under federal, tribal, or military jurisdiction
290 for an offense of a sexual nature or with a sexual element
291 that is comparable to a tier III offense listed in this
292 section or a tier III offense under the Sex Offender
293 Registration and Notification Act, Title I of the Adam Walsh
294 Child Protection and Safety Act of 2006, Pub. L. 109-248; or

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

299 8. In addition to the requirements of subsections 1 to
300 7 of this section, all Missouri registrants who work,
301 including as a volunteer or unpaid intern, or attend any
302 school whether public or private, including any secondary
303 school, trade school, professional school, or institution of
304 higher education, on a full-time or part-time basis or have
305 a temporary residence in this state shall be required to
306 report in person to the chief law enforcement officer in the
307 area of the state where they work, including as a volunteer
308 or unpaid intern, or attend any school or training and
309 register in that state. "Part-time" in this subsection
310 means for more than seven days in any twelve-month period.

311 9. If a person who is required to register as a sexual
312 offender under sections 589.400 to 589.425 changes or
313 obtains a new online identifier as defined in section
314 43.651, the person shall report such information in the same
315 manner as a change of residence before using such online
316 identifier.

595.209. 1. The following rights shall automatically
2 be afforded to victims of dangerous felonies, as defined in

3 section 556.061, victims of murder in the first degree, as
4 defined in section 565.020, victims of voluntary
5 manslaughter, as defined in section 565.023, victims of any
6 offense under chapter 566, victims of an attempt to commit
7 one of the preceding crimes, as defined in section 562.012,
8 and victims of domestic assault, as defined in sections
9 565.072 to 565.076; and, upon written request, the following
10 rights shall be afforded to victims of all other crimes and
11 witnesses of crimes:

12 (1) For victims, the right to be present at all
13 criminal justice proceedings at which the defendant has such
14 right, including juvenile proceedings where the offense
15 would have been a felony if committed by an adult, even if
16 the victim is called to testify or may be called to testify
17 as a witness in the case;

18 (2) For victims, the right to information about the
19 crime, as provided for in subdivision (5) of this subsection;

20 (3) For victims and witnesses, to be informed, in a
21 timely manner, by the prosecutor's office of the filing of
22 charges, preliminary hearing dates, trial dates,
23 continuances and the final disposition of the case. Final
24 disposition information shall be provided within five days;

25 (4) For victims, the right to confer with and to be
26 informed by the prosecutor regarding bail hearings, guilty
27 pleas, pleas under chapter 552 or its successors, hearings,
28 sentencing and probation revocation hearings and the right
29 to be heard at such hearings, including juvenile
30 proceedings, unless in the determination of the court the
31 interests of justice require otherwise;

32 (5) The right to be informed by local law enforcement
33 agencies, the appropriate juvenile authorities or the
34 custodial authority of the following:

35 (a) The status of any case concerning a crime against
36 the victim, including juvenile offenses;

37 (b) The right to be informed by local law enforcement
38 agencies or the appropriate juvenile authorities of the
39 availability of victim compensation assistance, assistance
40 in obtaining documentation of the victim's losses,
41 including, but not limited to and subject to existing law
42 concerning protected information or closed records, access
43 to copies of complete, unaltered, unedited investigation
44 reports of motor vehicle, pedestrian, and other similar
45 accidents upon request to the appropriate law enforcement
46 agency by the victim or the victim's representative, and
47 emergency crisis intervention services available in the
48 community;

49 (c) Any release of such person on bond or for any
50 other reason;

51 (d) Within twenty-four hours, any escape by such
52 person from a municipal detention facility, county jail, a
53 correctional facility operated by the department of
54 corrections, mental health facility, or the division of
55 youth services or any agency thereof, and any subsequent
56 recapture of such person;

57 (6) For victims, the right to be informed by
58 appropriate juvenile authorities of probation revocation
59 hearings initiated by the juvenile authority and the right
60 to be heard at such hearings or to offer a written
61 statement, video or audio tape, counsel or a representative
62 designated by the victim in lieu of a personal appearance,
63 the right to be informed by the board of probation and
64 parole of probation revocation hearings initiated by the
65 board and of parole hearings, the right to be present at
66 each and every phase of parole hearings, the right to be

67 heard at probation revocation and parole hearings or to
68 offer a written statement, video or audio tape, counsel or a
69 representative designated by the victim in lieu of a
70 personal appearance, and the right to have, upon written
71 request of the victim, a partition set up in the probation
72 or parole hearing room in such a way that the victim is
73 shielded from the view of the probationer or parolee, and
74 the right to be informed by the custodial mental health
75 facility or agency thereof of any hearings for the release
76 of a person committed pursuant to the provisions of chapter
77 552, the right to be present at such hearings, the right to
78 be heard at such hearings or to offer a written statement,
79 video or audio tape, counsel or a representative designated
80 by the victim in lieu of personal appearance;

81 (7) For victims and witnesses, upon their written
82 request, the right to be informed by the appropriate
83 custodial authority, including any municipal detention
84 facility, juvenile detention facility, county jail,
85 correctional facility operated by the department of
86 corrections, mental health facility, division of youth
87 services or agency thereof if the offense would have been a
88 felony if committed by an adult, postconviction or
89 commitment pursuant to the provisions of chapter 552 of the
90 following:

91 (a) The projected date of such person's release from
92 confinement;

93 (b) Any release of such person on bond;

94 (c) Any release of such person on furlough, work
95 release, trial release, electronic monitoring program, or to
96 a community correctional facility or program or release for
97 any other reason, in advance of such release;

98 (d) Any scheduled parole or release hearings,
99 including hearings under section 217.362, regarding such
100 person and any changes in the scheduling of such hearings.
101 No such hearing shall be conducted without thirty days'
102 advance notice;

103 (e) Within twenty-four hours, any escape by such
104 person from a municipal detention facility, county jail, a
105 correctional facility operated by the department of
106 corrections, mental health facility, or the division of
107 youth services or any agency thereof, and any subsequent
108 recapture of such person;

109 (f) Any decision by a parole board, by a juvenile
110 releasing authority or by a circuit court presiding over
111 releases pursuant to the provisions of chapter 552, or by a
112 circuit court presiding over releases under section 217.362,
113 to release such person or any decision by the governor to
114 commute the sentence of such person or pardon such person;

115 (g) Notification within thirty days of the death of
116 such person;

117 (8) For witnesses who have been summoned by the
118 prosecuting attorney and for victims, to be notified by the
119 prosecuting attorney in a timely manner when a court
120 proceeding will not go on as scheduled;

121 (9) For victims and witnesses, the right to reasonable
122 protection from the defendant or any person acting on behalf
123 of the defendant from harm and threats of harm arising out
124 of their cooperation with law enforcement and prosecution
125 efforts;

126 (10) For victims and witnesses, on charged cases or
127 submitted cases where no charge decision has yet been made,
128 to be informed by the prosecuting attorney of the status of
129 the case and of the availability of victim compensation

130 assistance and of financial assistance and emergency and
131 crisis intervention services available within the community
132 and information relative to applying for such assistance or
133 services, and of any final decision by the prosecuting
134 attorney not to file charges;

135 (11) For victims, to be informed by the prosecuting
136 attorney of the right to restitution which shall be
137 enforceable in the same manner as any other cause of action
138 as otherwise provided by law;

139 (12) For victims and witnesses, to be informed by the
140 court and the prosecuting attorney of procedures to be
141 followed in order to apply for and receive any witness fee
142 to which they are entitled;

143 (13) When a victim's property is no longer needed for
144 evidentiary reasons or needs to be retained pending an
145 appeal, the prosecuting attorney or any law enforcement
146 agency having possession of the property shall, upon request
147 of the victim, return such property to the victim within
148 five working days unless the property is contraband or
149 subject to forfeiture proceedings, or provide written
150 explanation of the reason why such property shall not be
151 returned;

152 (14) An employer may not discharge or discipline any
153 witness, victim or member of a victim's immediate family for
154 honoring a subpoena to testify in a criminal proceeding,
155 attending a criminal proceeding, or for participating in the
156 preparation of a criminal proceeding, or require any
157 witness, victim, or member of a victim's immediate family to
158 use vacation time, personal time, or sick leave for honoring
159 a subpoena to testify in a criminal proceeding, attending a
160 criminal proceeding, or participating in the preparation of
161 a criminal proceeding. A public school district, public

162 school, or charter school shall not discipline a child for
163 failure to comply with the district's or school's attendance
164 policy, and the parent or legal guardian shall not be deemed
165 to be in violation of the provisions of section 167.061, and
166 the district or school shall not otherwise discipline a
167 child, based on such child's honoring a subpoena to testify
168 in a criminal proceeding, attending a criminal proceeding,
169 or for participating in the preparation of a criminal
170 proceeding;

171 (15) For victims, to be provided with creditor
172 intercession services by the prosecuting attorney if the
173 victim is unable, as a result of the crime, temporarily to
174 meet financial obligations;

175 (16) For victims and witnesses, the right to speedy
176 disposition of their cases, and for victims, the right to
177 speedy appellate review of their cases, provided that
178 nothing in this subdivision shall prevent the defendant from
179 having sufficient time to prepare such defendant's defense.
180 The attorney general shall provide victims, upon their
181 written request, case status information throughout the
182 appellate process of their cases. The provisions of this
183 subdivision shall apply only to proceedings involving the
184 particular case to which the person is a victim or witness;

185 (17) For victims and witnesses, to be provided by the
186 court, a secure waiting area during court proceedings and to
187 receive notification of the date, time and location of any
188 hearing conducted by the court for reconsideration of any
189 sentence imposed, modification of such sentence or recall
190 and release of any defendant from incarceration;

191 (18) For victims, the right to receive upon request
192 from the department of corrections a photograph taken of the
193 defendant prior to release from incarceration;

194 **(19) For victims under the age of nineteen, the right**
195 **to appear by video during a deposition or discovery and the**
196 **right to appear by video during any hearing in lieu of**
197 **personal appearance.**

198 2. The provisions of subsection 1 of this section
199 shall not be construed to imply any victim who is
200 incarcerated by the department of corrections or any local
201 law enforcement agency has a right to be released to attend
202 any hearing or that the department of corrections or the
203 local law enforcement agency has any duty to transport such
204 incarcerated victim to any hearing.

205 3. Those persons entitled to notice of events pursuant
206 to the provisions of subsection 1 of this section shall
207 provide the appropriate person or agency with their current
208 addresses, electronic mail addresses, and telephone numbers
209 or the addresses, electronic mail addresses, or telephone
210 numbers at which they wish notification to be given.

211 4. Notification by the appropriate person or agency
212 utilizing the statewide automated crime victim notification
213 system as established in section 650.310 shall constitute
214 compliance with the victim notification requirement of this
215 section. If notification utilizing the statewide automated
216 crime victim notification system cannot be used, then
217 written notification shall be sent by certified mail or
218 electronic mail to the most current address or electronic
219 mail address provided by the victim.

220 5. Victims' rights as established in Section 32 of
221 Article I of the Missouri Constitution or the laws of this
222 state pertaining to the rights of victims of crime shall be
223 granted and enforced regardless of the desires of a
224 defendant and no privileges of confidentiality shall exist
225 in favor of the defendant to exclude victims or prevent

226 their full participation in each and every phase of parole
227 hearings or probation revocation hearings. The rights of
228 the victims granted in this section are absolute and the
229 policy of this state is that the victim's rights are
230 paramount to the defendant's rights. The victim has an
231 absolute right to be present at any hearing in which the
232 defendant is present before a probation and parole hearing
233 officer.

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