

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5756S.02P
 Bill No.: Perfected SB 982
 Subject: Crimes and Punishment; Highway Patrol; Law Enforcement Officers and Agencies;
 Sexual Offenses
 Type: Original
 Date: March 3, 2026

Bill Summary: This proposal modifies provisions relating to the Sex Offender Registry.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes the impact will be under \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 589.400, 589.401, 589.403, 589.404, 589.405, 589.407, 589.410, 589.411, 589.412, 589.413, 589.414, 589.415, and 589.417 – Sex Offender Registry

Officials from the **Department of Corrections (DOC)** state it is unknown the number of petitioners that would request to access records outlined in §589.401; however, this could have minimal impact on the department. At this time, DOC estimates that this minimal cost could be absorbed. Should the number of petitioners increase substantially, it could have a significant fiscal impact on the department.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the DOC will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the DOC for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the DOC may request funding through the appropriation process.

Officials from the **Office of the State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Mental Health, Department of Public Safety – (Office of the Director and Missouri Highway Patrol), Department of Social Services, Office of the State Public Defender, Missouri Office of Prosecution Services and Phelps County Sheriff** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties, sheriff’s departments, and the City of St. Louis were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost</u> – OSCA (various sections) Increase in potential court cases p.3	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions relating to the sex offender registry. Instead of listing certain sexual offenses, this act provides that any person who, since July 1, 1979, has been or is adjudicated for a tier I offense, tier II offense, or tier III offense in this state or in any other state, territory, the District of Columbia, foreign country, or federal, tribal or military jurisdiction shall be required to register as a sex offender. (Section 589.400)

Offenders shall be classified as a tier I, tier II, or tier III offender. To the extent more than one tier definition applies, the highest tier shall be applicable tier for the offender. This act also provides that certain juvenile offenders and certain offenders who live or work in Missouri with registration requirements by other jurisdictions shall be assigned a tier, which shall be only for the purposes of registration visit frequency and removal eligibility. The initial determination as to the tier shall be made by the registration official and the Missouri State Highway Patrol ("Patrol") shall analyze the tier designation for accuracy. (Sections 589.400 and 589.414)

This act additionally provides that any sex offender with primary residence outside Missouri who has a temporary residence in Missouri and who resides for more than a part-time period shall register for the duration of such person's temporary residency. This act also provides that nonresident sex offenders who works or is a nonresident student in this state shall register in the county where the status requiring registration occurs for the duration of such person's employment or attendance at any school of higher education as long as the status requiring registration remains active. (Section 589.400)

The jurisdiction, in addition to the Attorney General, may certify appropriate sex offender treatment program for purposes of reductions of registration periods. Additionally, if records of program completion are unavailable, and completion of such program was required as a term of probation, then an order discharging the sex offender from probation or other record acknowledging satisfactory completion of probation shall constitute evidence of successful completion. (Section 589.400)

This act modifies provisions relating to removal from registration for persons required to register because of an offense adjudicated in another jurisdiction. Such person shall file the petition or complaint for removal, termination, or relief from registration, or the declaratory judgment providing for removal, termination, or relief, instead of filing petition for removal, according to the laws of the adjudicating jurisdiction. Upon the entry of a judgment, rather than a grant of a petition for removal, providing that the person is no longer required to register, such judgment may be registered in this state by providing the information required by current law. Additionally, such persons may file a petition for removal from this state's sexual offender registry and satisfy the requirements for removal based on adjudication in another state if:

- (1) The offense did not require the person to register as a sex offender in the adjudicating jurisdiction at the time the offense was adjudicated; or
 - (2) The person never resided, worked, or attended school in the adjudicating jurisdiction and was never required to register in the adjudicating jurisdiction.
- (Section 589.401)

Currently, if a petition for removal is denied, no successive petition shall be filed for at least five years from the judgment date of such petition. This act provides that if the denial was based on a statute or law that has since been amended, repealed, or invalidated, a person may file a petition within the five-year period. In addition to the current requirements of petitions for removal, such

a petition shall contain the case number and court of the prior petition along with identification of the applicable change in the law. (Section 589.401)

This act repeals the provisions relating to persons removed from the sex offender registry for certain offenses with a nonsexual nature as detailed in the act. Additionally, this act modifies the list of offenses, which exempts offenders who meet the other requirements provided in current law from registration, as follows:

- (1) Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least 14 years of age, and the offender was not more than four years older than the victim at the time of the offense, unless the victim was under the custodial authority of the offender at the time of the offense;
 - (2) Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was 18 years or older, unless the victim was under the custodial authority of the offender at the time of the offense;
 - (3) Promoting obscenity in the first degree;
 - (4) Promoting obscenity in the second degree;
 - (5) Furnishing pornographic materials to minors;
 - (6) Public display of explicit sexual material; and
 - (7) Coercing acceptance of obscene material.
- (Sections 589.400 and 589.401)

An offender shall have the burden of proving the requirements for exemption are met. For exemptions, a court may look beyond the offense of conviction and consider the underlying facts and conduct of the offense when evaluating the noncategorical exemptions. If a petition for exemption is filed before a person is required to register, the requirements of registration shall be automatically stayed pending the outcome of the petition for exemption. If the petition is denied, the registration requirements shall be in effect three business days following the exhaustion of all appeal rights. (Section 589.401)

This act also provides that a petition for removal due to the offense being reversed, vacated, or set aside shall be the exclusive remedy for removal and shall include a certified copy of the action reversing, vacating, or setting aside the offense requiring registration. (Section 589.401)

Furthermore, no declaratory action shall be filed for relief from registration requirements, except where registration is the result of an offense never requiring registration. (Section 589.401)

The following offenses are modified or included as tier I offenses:

- Kidnapping in the first degree with sexual motivation if the victim is 18 years of age or older;
- Kidnapping in the second degree with sexual motivation if the victim is 18 years of age or older;
- Kidnapping in the third degree with sexual motivation if the victim is 18 years of age or older;
- Sexual conduct in the course of public duty if the victim is 18 years of age or older;

- Promoting obscenity in the first degree if the victim is less than 18 years of age;
- Promoting pornography for minors or obscenity in the second degree if the victim is less than 18 years of age;
- Furnishing pornographic material to minors;
- Public display of explicit sexual material if the victim is less than 18 years of age; and
- Coercing acceptance of obscene material if the victim is less than 18 years of age.

The following offenses are modified or included as tier II offenses:

- Sexual abuse in the first degree if the victim is 13 to 17 years of age;
- Sexual conduct in the course of public duty if the victim is 13 to 17 years of age;
- Patronizing prostitution if the person patronized is 18 years of age or older;
- Promoting prostitution in the first degree if the victim is 18 years of age or older;
- Promoting prostitution in the second degree if the victim is 18 years of age or older; and
- Promoting prostitution in the third degree if the victim is 18 years of age or older.

The following offenses are modified or included as tier III offenses:

- Kidnapping in the second degree if the victim is under 18 years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;
- Kidnapping in the first degree if the victim is under 18 years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;
- Sexual conduct in the course of public duty if the victim is under 13 years of age; and
- Patronizing prostitution if the offender is a persistent offender or if the person patronized is less than 18 years of age.

(Sections 589.404 and 589.414)

This act additionally provides that the offender registration form shall include information regarding any temporary residences. If an offender has a guardian, the guardian may sign affirming the accuracy of the offender registration form. (Section 589.407)

Regular in-person appearances to the registration official following initial registration shall be required:

- (1) Annually for tier I offenders;
- (2) Every six months for tier II offenders; and
- (3) Every ninety days for tier III offenders.

(Section 589.407)

Additionally, registrants shall appear in person to the registering official and complete all forms required by the United States Marshall's Service no less than 21 days before travel outside of the United States. (Section 589.414)

The chief law enforcement registration official shall enter, rather than forward to the Patrol, the completed offender registration forms and related updates into the online sex offender registry within three days. The Patrol shall enter ensure the information entered into the registry is accessible through the Missouri Uniform Law Enforcement System and forwarded to the National Crime Information Center. The Patrol shall also regularly update the web page to

remove persons who have been removed or exempted, persons deceased, or persons who have moved out of state. Lastly, this act modifies certain information related to sex offenders and the metadata of the sex offender registry that is considered as an open or closed record under Missouri Sunshine Law. (Sections 589.410 and 589.417)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Mental Health
Department of Corrections
Department of Public Safety
 Office of the Director
 Missouri Highway Patrol
Department of Social Services
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
Phelps County Sheriff



Julie Morff
Director
March 3, 2026



Jessica Harris
Assistant Director
March 3, 2026