

Missouri Sex Offender Registry An Overview

MISSOURI STATE HIGHWAY PATROL
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OBJECTIVES

- ASSIST CLEO'S WITH INFORMATION ON WHY WE HAVE A REGISTRY – LAWS & RULINGS
- IDENTIFY WHO MAINTAINS THE SEX OFFENDER DATABASE
- PROVIDE APPLICABLE STATUTES AND FEDERAL LAW ON WHO HAS TO REGISTER
- PROVIDE AN OVERVIEW OF THE REGISTRATION PROCESS
- DISCUSS KEY POINTS OF SOR BUSINESS RULES

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WHY DO WE HAVE A REGISTRY?

- 1994- US CONGRESS PASSED THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT –
 - PUT INTO OPERATION A REGISTRY FOR SEX OFFENDERS
- 1995 - MISSOURI PASSES LEGISLATION TO ESTABLISH STATEWIDE SEX OFFENDER REGISTRY (589.400 RSMO)



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1996 – US CONGRESS PASSES MEGHAN'S LAW

- REQUIRES STATES TO ENACT A COMMUNITY NOTIFICATION SYSTEM

1996- US CONGRESS PASSES PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT

- PROVIDES LAW ENFORCEMENT THE ABILITY TO TRACK SEX OFFENDERS FROM ONE LOCATION TO ANOTHER
- ENACTED LIFETIME REGISTRATION



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CAMPUS SEX CRIMES PREVENTION ACT OF 2000

- PROVIDED TRACKING OF REGISTERED SEXUAL OFFENDERS ENROLLED AS STUDENTS, WORKING OR VOLUNTEERING AT INSTITUTIONS OF HIGHER EDUCATION
- AUGUST 28, 2008 MISSOURI STATE STATUTES REVISED THE WORDING TO INCLUDE ANY "EDUCATION INSTITUTION, WHETHER PUBLIC OR PRIVATE, INCLUDING ANY SECONDARY SCHOOL, TRADE SCHOOL OR PROFESSIONAL SCHOOL"



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2006 ADAM WALSH CHILD PROTECTION AND SAFETY ACT

- TITLE 1- SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA)
- EXTENDED JURISDICTIONS INTO WHICH REGISTRATION IS REQUIRED AND CORRESPONDING CODES
- CURRENTLY ALL 50 STATES, AMERICAN SAMOA, GUAM, NORTHERN MARIANA ISLANDS, PUERTO RICO, U.S. VIRGIN ISLANDS HAVE A TRACKING SYSTEM
- 3 DAYS TO REGISTER NEW ADDRESS
- APPLIES REGISTRATION RETROACTIVELY



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MISSOURI SUPREME COURT RULINGS

- **2006 -DOE VS. PHILLIPS-** INVALIDATED THE DUTY TO REGISTER FOR CONVICTIONS/PLEAS PRIOR TO 1-1-1995. RETROSPECTIVE AND IN VIOLATION OF MO CONSTITUTION ART 1, SEC 13. OFFENDERS WERE MADE EXEMPT.
- **2007-DOE VS BLUNT.** REGISTRATION REQUIREMENT OF SEX OFFENDERS WHOSE CONVICTION OCCURRED PRIOR TO THE OFFENSE'S EFFECTIVE DATE WAS RETROSPECTIVE AND IN VIOLATION OF MO CONSTITUTION ART 1, SEC 13
- **BOTH RULINGS WERE SUPERSEDED BY JOHN DOE VS. MAJOR KEATHLY**
 - Federally mandated registration requirements under SORNA applies to offenders who committed a sex offense prior to July 20,2006. SORNA imposes an independent obligation

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MISSOURI SUPREME COURT RULINGS

- **2008 -RL VS MO DOC- 566.147** (RESIDENTIAL 1000 FT) DID NOT APPLY TO THOSE ALREADY RESIDING AT THEIR PLACE OF RESIDENCE PRIOR TO JUNE 5, 2006.
- **2010- STATE OF MO VS RAYNOR- 589.424** DOES NOT APPLY TO THOSE WHOSE CONVICTIONS WERE BEFORE AUGUST 28, 2008. (ART 1, SECT 13 MO CONST)
- **2011 -DOE VS REPOGLE** -MISSOURI WESTERN DISTRICT COURT OF APPEALS
 - UPHELD SIS REQUIRES REGISTRATION UNDER SORNA
- **2013-SC92382- STATE OF MO VS WADE** (PUBLIC PARK, SWIMMING POOL, MUSEUM) CAN BE APPLIED RETROACTIVELY AND DOES NOT VIOLATE ART 1, SECT 13 MO CONST

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HISTORY OF MISSOURI'S SEX OFFENDER REGISTRY

- EST. 1995 DESIGNATING THE MISSOURI STATE HIGHWAY PATROL AS THE CENTRAL REPOSITORY FOR THE COLLECTION OF DATA
 - MSHP SOR UNIT'S RESPONSIBILITIES: COMPILER, MAINTAIN REGISTRY, VALIDATE REGISTRATION INFO (QC), ASSIST AGENCIES....
- AS OF 09/20/2021 THERE WERE**
 17,645 ACTIVE OFFENDERS IN THE DATABASE
 1,989 OFFENDERS THAT ARE NONCOMPLIANT
 401 OFFENDERS WITH ABSCONDER STATUS
 (11.3% STATEWIDE NONCOMPLIANT RATE)



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SEX OFFENDER UNIT OVERVIEW

- > FOLLOWS FEDERAL AND STATE REQUIREMENTS
- > THE INFORMATION SUBMITTED BY THE COUNTIES ARE THEN ENTERED INTO SOR
- > SOR WEBSITE IS UPDATED IN REAL TIME
- > REQUESTS COURT DOCUMENTS/UPDATES CRIMINAL HISTORY RECORDS
- > APPROVES RECORDS
- > CORRESPONDS WITH OUT OF STATE AGENCIES
- > SCAN AND INDEX INFORMATION SUBMITTED BY THE COUNTIES WHICH IS PLACED INTO CM IN THE OFFENDER'S "FILE"

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REGISTRATION PROCESS

NOTIFICATIONS:

- > **589.403- MENTAL HEALTH INSTITUTIONS** NOTIFY OFFENDER OF DUTY TO REGISTER UPON RELEASE
- > **589.403-DEPARTMENT OF CORRECTIONS** NOTIFY OFFENDER OF DUTY TO REGISTER UPON RELEASE
- > **589.405- COURTS** NOTIFY OFFENDER OF DUTY TO REGISTER AT TIME OF CONVICTION/PLEA AND INFORM THE REGISTERING OFFICIAL

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REGISTRATION PROCESS CONT...

NOTIFICATIONS CONT...

- > COMPLETE THE REGISTRATION FORM (SHP428)
- > OBTAIN INTENDED ADDRESS AND SIGNATURE OF OFFENDER
- > FORWARD THE FORM TO THE CLEO AND MSHP SOR WITHIN 3 BUSINESS DAYS OF RELEASE



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SORNA REQUIREMENTS

- 2009 FEDERAL GUIDELINES REQUIRE REGISTRATION FOR ANY SEX OFFENSE WITH AN ELEMENT OF UNWANTED SEXUAL CONTACT/INTERCOURSE, EXCEPT:
 - NOT GUILTY BY MENTAL DEFECT (1/1/1999 MISSOURI LAW ADDED)
 - INDECENT EXPOSURE TO MINOR (8/28/2000 MISSOURI LAW ADDED)
 - CONSENSUAL SEX WHEN NOT MORE THAN 4 YEARS WAS THE DIFFERENCE IN THEIR AGES (STILL REQUIRED PER MISSOURI STATUTE)
- MISSOURI CAN APPLY FEDERAL LAWS RETROACTIVELY

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REGISTRATION DETERMINATION AND REQUIREMENTS

- REGISTRATION QUALIFICATION QUESTIONS WILL BE REFERRED BACK TO REGISTERING OFFICIALS AND THEIR LEGAL COUNSEL OR THE COURTS
- 589.400 - REGISTRATION REQUIREMENTS FOR MISSOURI OFFENDERS AND OUT-OF-STATE OFFENDERS
- 589.407 - REQUIRED INFORMATION
 - Approved MSHP form
 - Signed statement, FPs, Photo, DNA
- Positive ID and documentation substantiating the information for residency, vehicles

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REGISTRATION DETERMINATION AND REQUIREMENTS

- 589.414 - DUTIES OF THE OFFENDER UPON CHANGE OF INFORMATION AND TIERS
 - In-Person required information (signature required)
 - Notification to the CLEO (update/correction)
 - Tier I, II, and III Offenses
- MSHP WILL REVIEW AND DISCUSS FACTS ABOUT STATUTES
- MSHP SOR REQUESTS THE COURT DOCUMENTS TO VERIFY SOR, CCH AND THE COURTS ARE IN SYNCH

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JUVENILE SEX OFFENDER REGISTRATION

- REQUIRED TO REGISTER WITH THE JUVENILE OFFICE OF THE COUNTY THEY RESIDE UNTIL AGE 21 (211.425 RSMO)
- OUT OF STATE JUVENILE THAT MEETS 589.400.6 AND/OR 589.400.7 WILL HAVE TO REGISTER ON THE ADULT REGISTRY
- INFORMATION MADE PUBLIC WHEN ADJUDICATED AS AN ADULT AND REGISTERING AS AN ADULT
- JUVENILE OFFENDERS 14 AND OVER WHO COMMIT A CRIME COMPARABLE TO OR MORE SEVERE THAN AGGRAVATED CRIMINAL SEXUAL ABUSE (PER SORNA) WILL BE REQUIRED TO REGISTER ON THE ADULT REGISTRY. ALTHOUGH IF ADJUDICATED A DELINQUENT WILL NOT BE ON THE PUBLIC WEBSITE.

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Tiering Offenders

➤ 589.414

- TIER I OFFENSES
 - CHILD MOLESTATION IN THE 2ND 566.068 (AS EXISTED PRIOR TO 1-1-2017)
- TIER II OFFENSES
 - ANY PERSON WHO IS ADJUDICATED OF AN OFFENSE COMPARABLE TO A TIER I OFFENSE LISTED IN THIS SECTION OR FAILURE TO REGISTER OFFENSE UNDER SECTION 589.425 OR COMPARABLE OUT-OF-STATE FAILURE TO REGISTER OFFENSE AND WHO IS ALREADY REQUIRED TO REGISTER AS A TIER I OFFENDER DUE TO HAVING BEEN ADJUDICATED OF A TIER I OFFENSE ON A PREVIOUS OCCASION

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Tiering Offenders

➤ 589.414

- TIER III OFFENSES
 - CHILD MOLESTATION IN THE 2ND 566.068
 - ANY OFFENDER WHO IS ADJUDICATED FOR A CRIME COMPARABLE TO A TIER I OR TIER II OFFENSE LISTED IN THIS SECTION OR FAILURE TO REGISTER OFFENSE UNDER SECTION 589.425, OR OTHER COMPARABLE OUT-OF-STATE FAILURE TO REGISTER OFFENSE, WHO HAS BEEN OR IS ALREADY REQUIRED TO REGISTER AS A TIER II OFFENDER BECAUSE OF HAVING BEEN ADJUDICATED FOR A TIER II OFFENSE, TWO TIER I OFFENSES, OR COMBINATION OF A TIER I OFFENSE AND FAILURE TO REGISTER OFFENSE, ON A PREVIOUS OCCASION
- REFERRED TO AS "STACKING" THE OFFENSES, A FTR WILL RESULT IN A BUMP UP OF THE OFFENDER'S TIER LEVEL.

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BENEFITS OF REGISTERING OFFICIALS UTILIZING THE ELECTRONIC (AUTOMATED) PROCESS

- INFORMATION IS ACCESSIBLE IMMEDIATELY BY THE REGISTERING OFFICIAL
- REGISTERING OFFICIAL HAS ACCESS TO:
 - ALL HISTORICAL DOCUMENTS IN CONTENT MANAGER
 - NOTES AND REGISTRATION HISTORY TABS
 - ADDRESS AND VEHICLE HISTORY
- RECORD CAN BE SUBMITTED IMMEDIATELY AND APPROVED WITHIN 3 BUSINESS DAYS
- INFORMATION AVAILABLE TO LAW ENFORCEMENT AND THE PUBLIC FASTER
- VICTIMS AND THE PUBLIC ARE AWARE IN REAL-TIME OF AN OFFENDER'S LOCATION

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FINGERPRINT SUBMISSION

- CAPTURE & TRANSMIT BIOMETRICS – NO FINGERPRINTS = NO CRIMINAL HISTORY/SEX OFFENDER
- LIVESCAN VS. INK
- CRIMINAL PRINTS WILL SHOW THE CRIMINAL CHARGE IN CRIMINAL HISTORY
- SEX OFFENDER PRINTS WILL SHOW THE SEX OFFENSE AND THAT SUBJECT REGISTERS AS A SEX OFFENDER



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DNA SUBMISSIONS

- MUST BE DONE AT THE TIME OF REGISTRATION
- SHP-6 DNA SUBMISSION FORM
- QDNA
- CONTACT: TRACEE.DAVIS@MSHP.DPS.MO.GOV
573-526-6134 ext. 2578



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SEX OFFENDER REGISTRATION IMPORTANCE OF FINGERPRINTS

- REQUIRED IN STATUTE- **589.407**
- NO FINGERPRINTS= NO SOF ROLE IN CCH
- NO FINGERPRINTS= OFFENDER DOES NOT UPDATE TO THE WEBSITE
- NO FINGERPRINTS= IF THE OFFENDER MOVES OUT OF STATE, THEY WOULD HAVE NEVER BEEN ON THE WEBSITE FOR ANYONE TO SEARCH
- NO FINGERPRINTS= IF THE OFFENSE IS FROM OUT OF STATE THEY WILL HAVE NO MISSOURI CRIMINAL HISTORY AND NO SOF ROLE

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RESTRICTIONS

- **566.147** LIVING WITHIN 1,000 FEET OF A SCHOOL OR CHILD CARE FACILITY (08/28/2004)
 - **566.148** PRESENT IN OR LOITER WITHIN 500 FEET OF CHILD CARE FACILITY
 - **566.149** PRESENT IN OR LOITER WITHIN 500 FEET OF SCHOOL**
 - **566.155** SHALL NOT SERVE AS AN ATHLETIC COACH, MANAGER, OR ATHLETIC TRAINER FOR ANY SPORTS TEAM IN WHICH A CHILD LESS THAN SEVENTEEN YEARS OF AGE IS A MEMBER **
- **ANY OFFENSES IN CHAPTER 566, AND VARIOUS OFFENSES IN CHAPTER 568 AND CHAPTER 573

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Restrictions...cont.

- ▶ **Effective August 28, 2021 –New addition to existing statute**
- ▶ **566.150** present in or loiter within 500 feet of any public park with playground equipment, a public swimming pool, or any museum with the primary purpose of entertaining or educating children under eighteen years of age, *****athletic complex or athletic fields if such facilities exist for the primary use of recreation for children or Missouri department of conservation nature or education center properties.**
- ▶ Parent, legal guardian or custodian may request to receive permission from Dept. of Conservation nature or education center to attend with child

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RESTRICTIONS

- > 589.426 - HALLOWEEN
- ✓ 5PM-10:30PM
- ✓ REMAIN INSIDE UNLESS JUST CAUSE TO LEAVE
- ✓ POST SIGN "NO CANDY OR TREATS"
- ✓ LEAVE OUTSIDE LIGHT OFF



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INTERNATIONAL TRAVEL

- > NOTIFY REGISTERING OFFICIAL 21 DAYS IN ADVANCE
- > SOME COUNTRIES DON'T ALLOW OFFENDERS TO ENTER
- > OFFENDERS RESPONSIBILITY TO RESEARCH

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REMOVAL FROM REGISTRY 589.401

- > OFFENDER MAY FILE A PETITION IN THE CIRCUIT COURT IN THE COUNTY OR CITY NOT WITHIN A COUNTY IN WHICH THE OFFENSE REQUIRING REGISTRATION WAS COMMITTED
- > IF A PERSON WAS REQUIRED TO REGISTER BASED UPON AN OUT OF STATE OFFENSE, THE OFFENDER SHALL SUBMIT A DECLATORY JUDGMENT FROM THE JURISDICTION OF OFFENSE. THIS SHOULD BE SUBMITTED ALONG WITH A PETITION TO THE CIRCUIT COURT IN WHICH THE OFFENDER IS REGISTERING IN MISSOURI.
- > SELIG VS. RUSSELL – THE OFFENDER MAY HAVE A DUTY TO REGISTER PER SORNA IN WHICH FALLS UNDER 589.400.7

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REMOVAL FROM REGISTRY

- ▶ SOME STATES AUTOMATICALLY END THE DUTY TO REGISTER PER THEIR STATE REQUIREMENTS. THIS DOES NOT EFFECT THE MISSOURI REQUIREMENT TO REGISTER
- ▶ IF A JUDGMENT FOR REMOVAL IS RECEIVED IN C.JIS FROM THE COURT, THE OFFENDER'S NAME WILL BE REMOVED FROM THE REGISTRY BY C.JIS

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KEY BUSINESS RULES

- ▶ SOR HAS 3 BUSINESS DAYS TO APPROVE OR DECLINE A RECORD PER NCIC PROCEDURE
 - ▶ WILL DECLINE THE RECORD FOR INACCURATE INFORMATION
 - ▶ WILL DECLINE THE RECORD IF A SIGNED FORM IS NOT SUBMITTED WITH THE RECORD ENTRY FOR AN IN-PERSON REGISTRATION OR OTHER DATA REQUIRING A SIGNED FORM
 - ▶ WILL APPROVE THE RECORD IF NO FINGERPRINTS ARE SUBMITTED AFTER 5 BUSINESS DAYS...HOWEVER, THIS SHOULD NOT BE A REGULAR PROCESS
 - ▶ THE RECORD GOES TO NCIC...NOT TO THE WEB.

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KEY BUSINESS RULES

- ▶ PACKING THE RECORD FOR AN SOR SHOULD BE COMPLETED JUST AS IF IT WERE AN ENTRY IN MULES.
- ▶ OFFENDER STATUS WILL CHANGE TO NONCOMPLIANT 7 DAYS AFTER THE DATE THE OFFENDER WAS DUE TO APPEAR IN PERSON.
- ▶ OFFENDER STATUS CAN BE CHANGED TO ABSCONDER BY REGISTERING OFFICIAL.
 - ▶ THE PATROL WILL CHANGE STATUS TO ABSCONDER IN SITUATIONS WHERE THEY HAD BEEN INCARCERATED OR IN COMPLIANT/PENDING STATUS

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KEY BUSINESS RULES

- ▶ IF A JUDGMENT FOR REMOVAL IS RECEIVED IN CJIS, THE OFFENDER WILL BE MADE EXEMPT ON THE WEB UNTIL LEGAL COUNSEL REVIEWS THE ORDER
- ▶ THE AGENCY SHOULD FILL OUT THE REGISTRATION FORMS, PLEASE DO NOT ALLOW THE OFFENDER TO FILL OUT THEIR OWN FORMS

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VALIDATIONS

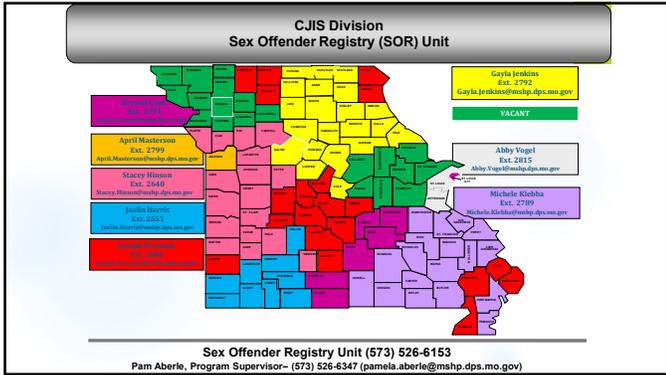
- ▶ Validation procedure to be discussed for SOR Entry by the Training/Auditing Division .
- ▶ Electronic entry by CLEO vs. Manual entries by the Patrol
- ▶ Questions? Please contact your MULES trainer

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MSHP SOR UNIT

APRIL MASTERSON- APRIL.MASTERSON@MSHP.DPS.MO.GOV
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QUESTIONS OR ASSISTANCE?

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