

Sex Offender Registration



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What is our purpose?

How To Determine A Sex Offender's Tier Classification

- Chapter 211 Juvenile Offenders
- Chapter 589 Adult Offenders

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What is our purpose?

- Lack / Gap In Training
- MSHP Training = Access and data entry
- MSHP Training ≠ Interpretation (Tier)
- Creates Gap In Training

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What is our purpose?

Fill The Gap In Training

- Make Tier Classification Decisions
- Consistent With Missouri State Law
- MSHP SOR Database Discussed
- Not MULES Operators Training

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What is our purpose?

- Based on Missouri State Statute and Case Law
 - CLEO Responsible SOR and List
 - MSHP Responsible for Database
 - MSHP has no registration authority
- May be conflicts with MULES Training

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What is our purpose?

- Not legal advice (Information)
 - This Training
 - MSHP & MULES Training
 - Your Own Research
- Develop Agency Policy and Procedure
- Seek Advice of Your Legal Counsel

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Learning Objectives

- Be able to reference and use the Sex Offender Statutes of RSMO Chapter 211.
- Be able to reference and use the Sex Offender Statutes of RSMO Chapter 589.
- Be able to reference and use the Sex Offender Statutes included in Title 42 United States Code and its other related sections.
- Be able to determine the proper Tier a sex offender should be categorized.

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RSMO 211.425

- Passed in 1999(Amd SB793 & SB 800 2018)
- If **“adjudicated delinquent”** by a juvenile court
- **FELONY** violations of Chapter 566 if committed by an adult
- Register at the **“Juvenile Office of any new County of Residence.”**
- Exceptions Requiring Registration As Adult
- 14YOA “Aggravated Sexual Abuse (18USC 2241)
- Juvenile SOR Terminates at 21 YOA
- Must Register As Adult W/In 3 Days of 21st Birthday

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RSMO 211.425

- **MUST** Register with the Juvenile Office
- Juveniles 13 YOA and under at time of offense
- Juvenile 14 YOA or older
 - Misd Violations of Chap. 566 if committed by adult
 - Felony Violations of Chap 566 that ARE NOT equal or more severe than Aggravated Sexual Abuse as defended by 18 USC Section 2241.

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RSMO 211.651

- 18 USC 2241 “Aggravated Sexual Abuse”
- Force or Threat of Force
- Threatening or Placing in fear of:
 - death, serious bodily injury, or kidnapping
- Renders a person unconscious
- Administers by force, without knowledge, or permission a:
 - Drug, intoxicant, or other similar substance: and
 - Sub impairs ability to appraise or control their conduct.
- Crossing state line with intent to engage in a sex act w/ under 12 YOA
- Sex act with a person under 12 YOA
- 12 YOA or older, but less than 16 YOA (4 YOA Separation) if any of the previous elements are committed.

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RSMO 211.651

- Two Exception to Juvenile Officer SOR
- Juveniles Certified to stand trial as an adult
- Covered in RSMo 589.400
- Juveniles 14 YOA or older and:
 - Felony violation of Chapter 566; and
 - Includes “Aggravated Sexual Abuse”

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RSMO 211.651

- Other Considerations
- Violation in Other States or Federal Jurisdictions
- Includes Attempt Crime adjudications
- Includes Conspiracy to Commit adjudications

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RSMO 211.651

- Juv. Registered by a Responsible Adult
 - State Agency, Court, Person
- Register within 10 Days
- Juv. Office of county of residence
- Juv. Office of any new county
- Form similar to RSMO 589.400

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RSMO Chapter 589

- 14 Missouri State Statutes
- From RSMO 589.400 to 589.426
- Chapter 566 Sex Crimes
- TL 18 and 42 of the United States Code

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RSMO Chapter 589.400

- Establishes (Subsection 1)
 - Who RSMO 589.400 to 589.425 applies to
 - Shall register with the Sheriff (CLEO)
 - List of Offenses and Conditions
- Register within 3 Days (Subsection 2)
 - Adults (Adjudication, Release, Placed on P&P)
 - Juv 14 YOA (Agg Sexual Abuse 18 USC 2241)
(Adjudication, Release DYS or DMH, Placement)
- CLEO forward Reg Form to Other Law Enforcement

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RSMO Chapter 589.400

- Required to Register Unless: (Subsection 3)
 - Offense is Reversed, Vacated, or Set Aside
 - The person moves out of your jurisdiction
 - * With proper notice / notify MSHP
 - * MSHP must notify new jurisdiction
 - * Removal from your local list

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RSMO Chapter 589.400

- Required Register Length: (Subsection 4)
 - Tier I: 15 Years
 - Tier II: 25 Years
 - Tier III: Life
- Reduction for maintaining a clean record
 - Court Order Required
 - Tier I: After 10 Years (5 year reduction)
 - Tier III: After 25 Years for 14 YOA or older who were required to register under Chap 589 as juveniles "adjudicated delinquent"

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RSMO Chapter 589.400

- **Non-Resident Workers, Volunteers, Students (Subsection 11)**
 - Must Register in your county if
 - Staying for 7 days or more
 - Out of State and have a temp residence or present in your county for 7 days in any 12 month period.

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RSMO 589.401 & 589.402

- **RSMO 589.402 Web-Page & Newspaper**
 - Allows local web-page
 - Allows publication in newspaper
 - Limits information released
 - Prohibits public notification of juveniles registered

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RSMO 589.404

"**Sexual element**", used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;

Doe v. Fritz No. SC99310

- Only Documents Leading to Conviction of Specific Crime

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RSMO 589.414

589.414 Detail Statutes For Each Sex Offender Tier

- Tier I Sexual Offenses (Subsection 5)
- Tier II Sexual Offenses (Subsection 6)
- Tier III Sexual Offenses (Subsection 7)

Decision Making Tools

- Tier I Questionnaire Tool
- Tier II Questionnaire Tool
- Tier III Questionnaire Tool

Will Go Over Statutes In Tier Questionnaire Tool Review

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Federal Laws

- USC TL 42 Chap 151 Child Protection and Safety
- USC TL 18 Chap 77 Sec 1591 Sex Trafficking
- USC TL 18 Chap 109A Sec 2241-2244 Sex Crimes
- USC TL 18 Chap 117 Sec 2422(b) & 2423(a) Transport Persons

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Foreign Adjudications

- Out of State Convictions
 - UCMJ Convictions
 - Tribal or Territorial Convictions
 - Foreign Government Convictions
1. Where they required to Register?
 2. What Tier Were They Registered As?
 3. Comparison With Missouri State Statute
 - Review Court Records From Other Jurisdiction
 - Tier Based On MO State SORNA or Federal SORNA

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Federal SORNA Registration

SORNA Tier Classification Definitions

When placing offenses into tiers, "jurisdictions generally may prorate the determination on the elements of the offense, and are not required to look to underlying conduct that is not reflected in the offense conviction." 73 Fed. Reg. 38210, 38213. However, tier classifications that depend on victim age must be obtained from the crime which statement do not specify that the victim must be below the threshold age of the victim was in 2002 before it. 42.

1st tier (21 years old with "Victim category")	2nd tier (18 years old)	3rd tier (14 years old)
<p>A. For offenses other than Tier 1 or Tier 2 in an offender: 42 U.S.C. § 20512(a)(1)</p> <p>A. Comparable to or more severe than the following offenses, when committed against a minor (or an attempt or conspiracy to commit them):</p> <ol style="list-style-type: none"> 1. Sex trafficking as defined in 18 U.S.C. § 1591. 2. Conviction B enforcement under 18 U.S.C. § 2423(b). 3. Transportation with intent to engage in criminal sexual activity under 18 U.S.C. § 2423(a), or 4. Abuse or neglect under 18 U.S.C. § 2244 committed against a minor 13 years old or older.¹ <p>OR</p> <p>B. That involves:</p> <ol style="list-style-type: none"> 1. Use of a minor in a sexual performance, 2. Solicitation of a minor to practice prostitution, or 3. Production or distribution of child pornography. <p>OR</p> <p>C. That occurs after the offender becomes a Tier 1 offender.</p>	<p>A. Comparable to or more severe than the following offenses (or an attempt or conspiracy to commit them):</p> <ol style="list-style-type: none"> 1. Aggravated sexual abuse under 18 U.S.C. § 2241, or sexual abuse under 18 U.S.C. § 2242.² 2. Abuse or neglect under 18 U.S.C. § 2244 (described in the tier 1 offense definition) when committed against a minor under 13 years old. <p>OR</p> <p>B. Involves kidnapping of a minor (as defined by a parent or guardian).</p> <p>OR</p> <p>C. That occurs after the offender becomes a Tier 1 offender.</p>	<p>A. Comparable to or more severe than the following offenses (or an attempt or conspiracy to commit them):</p> <ol style="list-style-type: none"> 1. Aggravated sexual abuse under 18 U.S.C. § 2241, or sexual abuse under 18 U.S.C. § 2242.² 2. Abuse or neglect under 18 U.S.C. § 2244 (described in the tier 1 offense definition) when committed against a minor under 13 years old. <p>OR</p> <p>B. Involves kidnapping of a minor (as defined by a parent or guardian).</p> <p>OR</p> <p>C. That occurs after the offender becomes a Tier 1 offender.</p>

¹To have a tier record or defined in 42 U.S.C. § 20512(a)(1), the person must:

1. Not be convicted of any subsequent offense for which imprisonment for more than 1 year may be imposed;
2. Not be convicted of any subsequent sex offense;
3. Successfully complete any period of supervised release, probation, and parole; and
4. Successfully complete an appropriate sex offender treatment program certified by a jurisdiction or by the attorney general.

²Abuse or neglect generally requires, among other things, that the defendant engage in or cause "sexual contact" with or by another person, defined in 18 U.S.C. § 2242(2) as the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

³"Sexual abuse" crimes generally require, among other things, the touching of a "genital area" defined in 18 U.S.C. § 2242(2) as contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the anus, penetration of the anal or genital opening of another by a hand, finger, or any object, or direct touching, not through the clothing, of the genitalia of a person under 16.

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SO Registration Tool

- Guidelines from Multiple Statutes
- Who is going to conduct registration?
- Tier I, Tier II, or Tier III?
- Need a Tool to pull it all together
 - Four Section Paper Decision Making Questionnaire

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SO Registration Tool

- Four Section:
 - 1. Who conducts registration?
 - 2. Tier III Questionnaire
 - 3. Tier II Questionnaire
 - 4. Tier I Questionnaire

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Paper Tool Sections

Sex Offender Registration Decision Making Chart

Section 1: Determine if the person should register with the Juvenile Officer under RSMO 211.425 or with the Chief Law Enforcement Officer under RSMO 589.400

1-1: Was the person registering an adult (17 years of age or older/18 years of age or older effective 1-1-2021) at the time of the offense?

A1: Adult – Register with the Chief Law Enforcement Officer under RSMO 589.400

A2: Juvenile – Go to Section 1-2.

1-2: Was the person registering under 14 years of age at the time of the offense?

A1: Yes – Register with the Juvenile Officer under RSMO 211.825

A2: No – Go to Section 1-3.

1-3: Is the offense the person registering for a Felony under Chapter 566 of the RSMO?

A1: No – Register with the Juvenile Officer under RSMO 211.825

A2: Yes – Go to Section 1-4.

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Paper Tool Sections

A2: Go to question 2-8

2-8: Has the person been adjudicated in Missouri for any offense of a sexual nature requiring registration by RSMO 589.414 to 589.425 that is not classified as a Tier I or Tier II offense?

A1: Yes – Classify the person as a Tier III Sex Offender
 A2: No – Go to Tier II Questionnaire

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Paper Tool Sections

Sex Offender Registration Decision Making Questionnaire

Section 3: Determine if the person should be classified as a Tier II Missouri Sex Offender under RSMO 589.141 with the Chief Law Enforcement Officer.

3-1: Has the person been adjudicated for any of the following:

Statutory sodomy in the second degree 566.064 if the victim is 16 or 17 YOA	566.064
Child molestation in the third degree 566.069 if the victim is between 13 and 14 YOA	566.069
Sexual contact with a student 566.086, if the victim is 13 to 17 YOA	566.086
Enticement of a child 566.151	566.151
Abuse of a child 568.060 if the offense is of a sexual nature and the victim is 13 to 17 YOA	568.060
Sexual exploitation of a minor 573.023	573.023
Promoting child pornography in the first degree 573.025	573.025
Promoting child pornography in the second degree 573.035	573.035
Patronizing prostitution 567.030	567.030
Sexual contact with a prisoner or offender 566.145 if the victim is 13 to 17 YOA	566.145
Child molestation in the fourth degree 566.071 if the victim is 13 to 17 YOA	566.071
Sexual misconduct involving a child 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year	566.083
Age misrepresentation with intent to solicit a minor 566.153	566.153

A1: Yes – Classify the person as a TIER II Sex Offender
 A2: No – Go to Question 3-2

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Paper Tool Sections

3-2: Has the person been adjudicated for an offense comparable to a Tier I offense, and who is already required to register as a Tier I offense on a previous occasion?

A1: Yes – Classify the person as a TIER II Sex Offender
 A2: No – Go to Question 3-3

3-3: Has the person been adjudicated in:

- Another state
- United States Territory
- District of Columbia
- Federal Jurisdiction
- Tribal jurisdiction
- Military Jurisdiction
- For an offense with a sexual element that is comparable to the Tier II sexual offense listed in RSMO 589.414, or comparable to those described as a Tier II offense under SORNA?

A1: Yes – Classify the person as a TIER II Sex Offender
 A2: No – Go to TIER I Questionnaire

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Paper Tool Sections

4-1: Has the person been adjudicated for any of the following:

Sex Abuse in First Degree 566.100 with a victim 18 YOA or older	566.100
Sexual Misconduct Involving a Child 566.083 if it is a first offense and the punishment is less than a year	566.083
Sexual Abuse in the Second Degree 566.101 if the punishment is less than 1 year	566.101
Kidnapping 2nd Degree 565.120 with sexual motivation	565.120
Kidnapping 3rd Degree 565.130	565.130
Sexual conduct w/ a nursing facility resident or vulnerable person in the first degree 566.115 if the punishment is less than 1 year	566.115
Sexual conduct under section 566.116 w/ a nursing facility resident or vulnerable person	566.116
Sexual contact w/ a prisoner or offender 566.145 if the victim is 18 YOA or older	566.145
Sex with an animal 566.111	566.111
Trafficking for the purpose of sexual exploitation 566.209 if the victim is 18 YOA or older	566.209
Possession of child pornography 573.037	573.037
Sexual misconduct in the first degree 566.093	566.093
Sexual misconduct in the second degree 566.095	566.095
Child molestation in the second degree 566.068 as it existed prior to Jan 1, 2017, if the punishment is less than one year	566.068
Invasion of privacy 565.252	565.252

A1: Yes – Classify the person as a Tier I Sex Offender
A2: No – Go to Question 4-2

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Paper Tool Sections

4-2: Has the person been adjudicated in:

- Another state
- United States Territory
- District of Columbia
- Foreign County
- Federal Jurisdiction
- Tribal Jurisdiction
- Military Jurisdiction
- of an offense of a sexual nature, or with a sexual element, that is comparable to those described as a Tier I sexual offense listed in RSMO 589.414?

A1: Yes – Classify the person as a Tier I Sex Offender
A2: No – Go to question 4-3

4-3: has the person been adjudicated for a Tier I sex offense under SORNA "Any sex offense that does not classify as a Tier II or Tier III sex offense under SORNA)?

A1: Yes – Classify the person as a Tier I Sex Offender
A2: No – Go to Federal Tier III Sex Offender Questionnaire

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CONCLUSION

QUESTIONS?

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