

MODEL PENAL CODE

ARTICLE 213.11A to 213.11F

OFFICIAL STATUTORY TEXT

(As Approved September 2022)

SECTION 213.11A. REGISTRATION FOR LAW-ENFORCEMENT PURPOSES

(1) Convictions in This State

(a) Except as provided in subsection (3), every person who resides in this state and is convicted of an offense that is designated a registrable offense in this Article must, in addition to any other sanction imposed upon conviction, appear personally and register, at the time specified in Section 213.11C, with the law-enforcement authority designated by law in the [county] where the person resides. If the person convicted of that offense does not reside in this state, but works in this state, registration must be accomplished in the [county] where the person works; if the person convicted of that offense does not reside or work in this state but is enrolled in a program of study in this state, registration must be accomplished in the [county] where the person is enrolled in a program of study.

(b) If, after initially registering in the [county] where the person resides, works, or is enrolled in a program of study, as provided in paragraph (a), the person no longer has that connection with the [county] where the person was initially required to register, the person must appear personally and register, within seven days of leaving that [county], with the law-enforcement agency designated by law in the [county] where the person now resides, works, or is enrolled in a program of study.

(c) Notwithstanding any other provision of law, no conviction for an offense under this Article will require the person convicted to register with law enforcement

or other governmental agency in a registry regime applicable primarily to persons convicted of a sexual offense, unless this Article designates that offense as a registrable offense.

(d) The following are the only Article 213 offenses that trigger a duty to register under this Section:

(i) Sexual Assault by Aggravated Physical Force or Restraint, as defined by Section 213.1.

(ii) Sexual Assault by Physical Force or Restraint, as defined by Section 213.2.

(iii) Sexual Assault of an Incapacitated or Vulnerable Person, as defined by Section 213.3(1) and (2).

(iv) Aggravated Offensive Sexual Contact, as defined by Section 213.7(1), when it involves the use of physical force, physical restraint, or an incapacitated or vulnerable victim, as defined in Sections 213.1, 213.2, 213.3(1) or 213.3(2).

(v) Sexual Assault of a Minor, as defined by Section 213.8(1), but only when the actor is more than 10 years older than the minor, or the actor is 18 or older and the minor is younger than 12.

(vi) Incestuous Sexual Assault of a Minor, as defined by Section 213.8(2), but only when the minor is younger than 16.

(vii) Exploitative Sexual Assault of a Minor, as defined by Section 213.8(3).

(viii) Fondling a Minor, as defined by Section 213.8(4), but only when the actor is more than 10 years older than the other person, or the actor is 18 or older and the minor is younger than 12.

(ix) Aggravated Offensive Sexual Contact with a Minor, as defined by Section 213.8(5).

(x) Sex Trafficking, as defined by Section 213.9(2).

(e) Nothing in Article 213 precludes a duty to register as a sex offender based on a conviction for a sexual offense other than one defined by Article 213; provided, however, that any such duty to register, when based on a conviction for a sexual

offense other than one defined by Article 213, must be governed by the principles and limitations specified in Section 213.11(5).

(2) Convictions in Other Jurisdictions

(a) Duty to register and related duties. Every person currently obliged to register with law enforcement or other public authority in another jurisdiction, because of a conviction in that jurisdiction, who subsequently resides, works, or enrolls in a program of study in this state, must register with the law-enforcement agency designated by law in the [county] of this state where the person resides, works, or is enrolled in a program of study and comply with the requirements of Sections 213.11A-213.11G, provided that the offense of conviction in the other jurisdiction is comparable to an offense that would be registrable under this Article if committed in this state.

(b) Place of registration. If the person who is obliged to register under paragraph (a) resides in this state, registration must be accomplished in the [county] where the person resides. If the person who is obliged to register under paragraph (a) does not reside in this state, but works in this state, registration must be accomplished in the [county] where the person works; if the person does not reside or work in this state but is enrolled in a program of study in this state, registration must be accomplished in the [county] where the person is enrolled in a program of study.

(c) Determining the comparability of conviction offenses in other jurisdictions.

(i) Standard. A conviction offense in another jurisdiction is comparable to a registrable offense under this Article if and only if the elements of the other jurisdiction's offense are no broader than the elements of that registrable offense. When, regardless of the conduct underlying the other jurisdiction's conviction, the other jurisdiction's offense can be committed by conduct that is not sufficient to establish a registrable offense under this Article, the two offenses are not comparable.

(ii) Procedure. Before determining that a conviction offense in another jurisdiction is comparable to a registrable offense under this Article, the authority designated to make that determination must give the person

concerned notice and an opportunity to be heard on that question, either orally or in writing.

(d) Notwithstanding any other provision of law, no conviction in another jurisdiction will require the offender to register with law enforcement under this Section, unless that conviction:

(i) currently requires the offender to register with law enforcement or other governmental authority in that jurisdiction, or would currently require the offender to register in that jurisdiction if the offender resided, worked, or studied in that jurisdiction; and

(ii) is for an offense comparable to an offense that would be registrable under this Section if committed in this state.

(3) *Persons under the age of 18.* No person may be subject to the obligation to register under subsection (1) of this Section, to other obligations or restrictions under this Section, or to additional collateral consequences under Section 213.11I, on the basis of a criminal conviction for an offense committed when the person was under the age of 18, or on the basis of an adjudication of delinquency based on conduct when the person was under the age of 18; provided, however, that this subsection (3) does not apply to a person convicted of a criminal offense of Sexual Assault by Aggravated Physical Force or Restraint if the person was at least 16 years old at the time of that offense.

(4) *Prohibition on registration based on conviction of certain non-Article 213 offenses.* The registering authority designated by law must not register as a sex offender a person who is not required to register on the basis of a conviction of either:

(a) an offense under this Article,

(b) an offense under the law of another jurisdiction that is comparable to an offense under this Article, or

(c) a sexual offense not defined by this Article that is designated as a registrable offense under another law of this state.

SECTION 213.11B. NOTIFICATION OF THE OBLIGATION TO REGISTER AND ASSOCIATED DUTIES

(1) Before accepting a guilty plea, and at the time of sentencing after conviction on a guilty plea or at trial, the sentencing judge must:

(a) inform the person who is subject to registration of the registration requirement;

(b) explain the associated duties, including:

(i) the identity and location, or procedure for determining the identity and location, of the law-enforcement agency where the person must appear to register as required by Section 213.11A;

(ii) the duty to register with a law-enforcement agency in any [county] where the person subsequently resides, including the possible duty to register with a law-enforcement agency or other government authority in another state to which the person subsequently moves;

(iii) the duty to report to that office or agency periodically in person, as required by Section 213.11E(1); and

(iv) the duty to promptly notify the relevant authority in the [county] where the person is required to register of any change in the registry information pertaining to that person, as required by Section 213.11E(2);

(c) notify the person of the right to petition for relief from those duties, as provided in Section 213.11J;

(d) confirm that defense counsel has explained to that person those duties and the right to petition for relief from those duties;

(e) confirm that the person understands those duties and that right;

(f) require the person to read and sign a form stating that defense counsel and the sentencing judge have explained the applicable duties and the right to petition for relief from those duties, and that the person understands those duties and that right;

(g) ensure that if the person convicted of a sexual offense cannot read or understand the language in which the form is written, the person will be informed of the pertinent information by other suitable means that the jurisdiction uses to communicate with such persons; and

(h) satisfy all other notification requirements applicable under Model Penal Code: Sentencing, Section 7.04(1).

(2) At the time of sentencing, the convicted person must receive a copy of the form signed pursuant to paragraph (1)(f) of this Section.

(3) If the convicted person is sentenced to a custodial sanction, an appropriate official must, shortly before the person's release from custody, again inform the person of the registration requirement, explain the associated rights and duties, including the right to petition for relief from those duties, and require the person to read and sign a form stating that those rights and duties have been explained and that the person understands those rights and duties. At the time of release from custody, the person concerned shall receive a copy of that form.

SECTION 213.11C. TIME OF INITIAL REGISTRATION

A person subject to registration must initially register:

(a) if incarcerated after sentence is imposed, then within three business days after release; or

(b) if not incarcerated after sentence is imposed, then not later than five business days after being sentenced for the offense giving rise to the duty of registration.

SECTION 213.11D. INFORMATION REQUIRED IN REGISTRATION

(1) A person subject to registration under Section 213.11A or under a law of this state that defines a sexual offense not defined by this Article must provide the following information to the appropriate official for inclusion in the law-enforcement registry:

(a) the name and date of birth of the person (including any alias used by the person);

(b) the Social Security number, if any, of the person;

(c) the address of each place where the person resides or expects to reside;

(d) the name and address of any place where the person works or expects to work;

(e) the name and address of any place where the person is a student or expects to be a student;

(f) the license-plate number and a description of any vehicle owned or regularly operated by the person;

(g) the document number of each passport held by the person and, if the person is not a United States citizen, the document type and document number for each document that establishes the person's current immigration status in the United States.

(2) *Supplementary Information.* The local jurisdiction in which a person registers must ensure that the following information is included in the registry for that person and kept up to date:

(a) the text of the provision of law defining the sexual offense for which the person is registered;

(b) the person's criminal history, including the date and offense designation of all convictions; and the person's parole, probation, or supervised-release status;

(c) any other information required by law.

(3) *Registrants Who Lack a Stable Residential Address.* If a person required to register lacks a stable residential address, the person must, at the time of registration, report with as much specificity as possible the principal place where the person sleeps, instead of the information required under paragraph (1)(c).

(4) *Registrants Who Lack a Fixed Place of Employment.* If a person required to register is or will be employed but lacks a fixed place of employment, the person must, at the time of registration, report with as much specificity as possible the location or locations where the person works or will work, instead of the information required under subsection (1)(d).

(5) *No additional information to be accepted or recorded.* The registering authority designated by law shall accept all information that this Section requires a person subject to registration to provide, but it must not accept or record information from the registrant that this Section does not require the registrant to provide.

(6) The [county] where a person registers must promptly provide the information specified in subsections (1) - (4) of this Section to the appropriate law enforcement agency in every other [county] of this state where the registrant works or expects to work or is enrolled or expects to enroll in a program of study. If the person is also registered in another jurisdiction, the [county] of this state where the person registers must promptly provide the

information specified in subsections (1) - (4) of this Section to each law enforcement agency with which the person is registered in the other jurisdiction.

(7) *Correction of Errors.* Each [county] where a person registers and each [county] that receives information about a registrant pursuant to subsection (6) of this Section must provide efficacious, reasonably accessible procedures for correcting erroneous registry information. The [county] where a person registers must, at the time of registration, provide the registrant instructions on how to use those procedures to seek correction of registry information that the registrant believes to be erroneous.

SECTION 213.11E. DUTY TO KEEP REGISTRATION CURRENT

(1) *Annual Updates.*

(a) A person who is required to register under Section 213.11A or under a law of this state that defines a sexual offense not defined by this Article must, not less frequently than once every year, appear in person in the [county] where the person currently resides, verify the current accuracy of the information that the registrant provided in compliance with Section 213.11D, allow the jurisdiction to take a current photograph, and report any change in the identity of other jurisdictions in which the person is required to register or in which the person resides, works, or is enrolled in a program of study. If the person who is required to register does not reside in this state, but works in this state, the annual update specified in this paragraph must be accomplished in the [county] where the person works; if the person does not reside or work in this state but is enrolled in a program of study in this state, the annual update specified in this paragraph must be accomplished in the [county] where the person is enrolled in a program of study.

(b) Not less than 30 nor more than 45 days before the person's annual registration date, the authority where the person is registered under Section 213.11A must send written notice to the person's residential address, alerting the registrant to the requirements of this Section.

(c) In the case of registrants who lack a stable residential address, and therefore report instead the principal place or places where they sleep, as provided in Section 213.11D(3), the authority where the person is registered under Section

213.11A must make a good-faith effort to provide this written notice to the person at the location the person has reported as the principal place where the person sleeps.

(2) Change of Circumstances

(a) Except as provided in paragraph (b) of this subsection, a person subject to registration under Section 213.11A or under a law of this state that defines a sexual offense not defined by this Article must, not later than five business days after each change of name and each change in the information that the person is required to provide under Section 213.11D, notify the [county] specified in Section 213.11A of:

(i) all changes in the information that the person is required to provide under Section 213.11D, and

(ii) the identity of all other jurisdictions in which the person resides, works, or is enrolled in a program of study.

(b) Registrants who lack a stable residential address or place of employment, and therefore report instead the principal place or places where they sleep or work, as provided in Section 213.11D(3) and (4), must confirm or update those locations once every 90 days but need not do so more often.

(c) Each [county] that maintains a registry of persons who are required to register under section 213.11A or under a law of this state that defines a sexual offense not defined by this Article must permit registrants to notify the law enforcement agency with which the person is registered, by one or more reliable, readily accessible methods of communication of the jurisdiction's choosing, such as U.S. mail, submission of an appropriate form online, or otherwise, of any change in the information the person is required to provide under Section 213.11D, and any change in the identity of all other jurisdictions in which the person resides, works, or is enrolled in a program of study.

(d) Each [county] where a person registers pursuant to Section 213.11A must advise the registrant, at the time of registration, of the registrant's option to use one of the means of communication established under subsection (2)(c), rather than appearing personally for that purpose, if the registrant so chooses, other than for the annual in-person meeting requirement of subsection (1).

(3) The [county] notified of any changes pursuant to subsections (1) and (2) must promptly provide the registrant a written receipt confirming that the updated information has been provided, and must provide that information to the appropriate authority in all other [counties] where the person resides, works, or is enrolled in a program of study.

SECTION 213.11F. DURATION OF REGISTRATION REQUIREMENT

(1) *Ordinary Termination.*

(a) Subject to the provisions of subsection (2) of this Section and Section 213.11J, a person required to register under Section 213.11A or under a law of this state that defines a sexual offense not defined by this Article must keep the registration current for a period of 15 years, beginning on the date when the registrant is released from custody after conviction for the offense giving rise to the registration requirement; or if the registrant is not sentenced to a term of incarceration, beginning on the date when the registrant was sentenced for that offense.

(b) At the expiration of that 15-year period, the duty to keep that registration current will terminate, and the person who had been registered will not be subject to any further duties under this Article on the basis of that registration requirement. The person will remain subject to any registration requirement under this Article that arises from conviction of any other Article 213 offense.

(c) In determining whether the 15-year period has been completed, that period shall include any time in which the person was registered in this state or any other jurisdiction, prior to the effective date of Sections 213.11 and 213.11A-J, for the offense giving rise to that registration requirement.

(2) *Early Termination.* If, during the first 10 years of the period during which a person is required to keep registration information current under Section 213.11E, the person:

(a) successfully completes any period of supervised release, probation, or parole, and satisfies any financial obligation that arises from the conviction for the registrable offense, such as a fine or restitution, other than a financial obligation that the person, despite good-faith effort, has been unable to pay; and

(b) successfully completes any required sexual-offense treatment program;
and

(c) is not convicted of, or facing pending charges for, any subsequent offense under this Article, or any subsequent sexual offense in this state or any other jurisdiction; then:

the duty to keep that registry information current will terminate; the person who had been registered will not be subject to any further duties associated with that registration requirement; and subsequent access to registry information will be governed by subsection (3).

(3) *Access to Registry Information After Termination.* When the person's obligation to register and to keep registry information current terminates under subsection (1) or (2), subsequent access to registry information is limited as follows:

(a) Registry information recorded as of the date when termination takes effect must remain available to any government law-enforcement agency seeking disclosure of that information in compliance with Section 213.11H(1)(a).

(b) Except as provided in paragraph (a), no public or private agency may thereafter be permitted access to registry information associated with a registration requirement that has terminated.

(4) *Notice of Termination.* When a person's duty to register terminates under subsection (1) or (2), the law enforcement agency in the [county] where the person's duty to register arises on the basis of residence, work, or study must:

(a) include in its registry a notice that the person's duty to register and all duties associated with that registration requirement have terminated; and

(b) upon the person's request, notify each law enforcement agency and other authority that has received information about the registrant pursuant to Section 213.11D(5) that the person's duty to register and all duties associated with that registration requirement have terminated and that no public or private agency other than a government law enforcement agency shall thereafter be permitted to have access to that registry information.

(c) upon the person's request, provide the person a certificate attesting that the person's duty to register and all duties associated with that registration requirement have terminated.

SECTION 213.11H. ACCESS TO REGISTRY INFORMATION

(1) Confidentiality

(a) Each law-enforcement agency that receives information from a registrant pursuant to Section 213.11D(5) must exercise due diligence to ensure that this registrant-supplied information remains confidential, except that relevant information about a specific registrant, including but not limited to registrant-supplied information, must be disclosed:

(i) to any government law enforcement agency that requests information to aid in the investigation of a specific criminal offense;

(ii) to any adult victim of the offense that gives rise to the registrant's duty to register and to any parent or guardian of a minor victim of that offense, if the either the victim or that parent or guardian resides, works, or is enrolled in a program of study in the [county] where the registrant resides, works, or studies; provided that such disclosure must be limited to the fact that the registrant resides, works, or is enrolled in a program of study in that [county];

(iii) to the United States Marshal's Service as required by International Megan's Law, Pub. L. No. 114-119, 130 Stat. 15 (2016), when that information involves the international travel plans of a registrant who has been convicted of a sexual offense involving a minor; and

(iv) to the [Department of Public Safety] as appropriate to enable the Department to provide the criminal history background check authorized by [Section xx/yy] of the [Code of Criminal Procedure] to any public or private agency, organization, or individual qualified to receive such a background check on the basis of serving, having access to, or screening others to serve or have access to minors, the elderly, or persons who are disabled or otherwise vulnerable; provided that any disclosure to the Department under this subparagraph must comply with the terms of [Section xx/yy] of the [Code of Criminal Procedure]. See Annex, pp. 82-90, *infra*.

(b) Any disclosure pursuant to paragraph (a) must include a warning that:

(i) the agency, organization, or individual receiving the information must exercise due diligence to ensure that the information remains confidential, except as provided in paragraph (a);

(ii) such information may be disclosed and used for the purposes specified in subparagraphs (a)(i)-(iv), but otherwise must not be disclosed to any person or public or private agency, except that any victim or parent or guardian of a victim who receives information pursuant to subparagraph

(1)(a)(ii) may lawfully disclose such information to other persons living in the same household;

(iii) such information may not be used to injure, harass, or commit a crime against the registrant or anyone else; and

(iv) any failure to comply with the confidentiality and use-limitation requirements of this Section could result in civil or criminal penalties.

(2) *Unauthorized Disclosure of Registry Information.* An actor is guilty of Unauthorized Disclosure of Registry Information if:

(a) the actor, having received registry information as provided in subsection (1), knowingly or recklessly discloses that information, or permits that information to be disclosed, to any person not authorized to receive it; or

(b) the actor obtains access to registry information by computer trespassing or otherwise in violation of law and subsequently knowingly or recklessly discloses that information, or permits that information to be disclosed, to any other person.

Unauthorized Disclosure of Registry Information is a felony of the fourth degree [*five-year maximum*].

SECTION 213.11I. ADDITIONAL COLLATERAL CONSEQUENCES OF CONVICTION

(1) *Definitions.* For purposes of this Section,

(a) the term “Article 213 offense” includes an offense under the law of another jurisdiction that is comparable to an Article 213 offense under Section 213.11A(2)(c);

(b) the term “additional collateral consequence” means any collateral consequence, as defined in Section 213.11(1)(b), that is:

(i) authorized or required as a direct result of a person’s conviction for an Article 213 offense, and

(ii) applicable primarily to persons convicted of a sexual offense, other than the obligation to register with law enforcement specified in Section 213.11A, the associated duties and restrictions specified in Sections 213.11C-213.11G, and any restriction on occupation or employment required by state law.

(c) An additional collateral consequence under this Section includes any collateral consequence that restricts the convicted person's occupation or employment except as required by state law; limits the convicted person's education, Internet access, or place of residence; uses methods such as GPS monitoring to track the person's movements; notifies a community organization or entity or a private party that the person resides, works, or is enrolled in a program of study in the locality; or permits a public or private agency, organization, or person to access registry information, except as authorized by Section 213.11H; but only if this collateral consequence results from a conviction for an Article 213 offense and is not a sentencing consequence as defined in Section 213.11(1)(a).

(d) An additional collateral consequence under this Section does not include a sentencing consequence, as defined in Section 213.11(1)(a), and does not include a collateral consequence that is:

(i) authorized or required as a direct result of an individual's conviction of an offense other than an Article 213 offense, or

(ii) applicable to persons convicted of many different offenses, such as any government-imposed limits on jury service, access to public benefits, and other government-imposed penalties, disabilities, and disadvantages that result from conviction of a wide variety of offenses, including but not limited to sexual offenses.

(2) *Additional collateral consequences precluded for persons not required to register.* Notwithstanding any other provision of law, no person shall be subject to an additional collateral consequence, as defined in this Section, unless:

(a) that additional collateral consequence is based on a conviction for a registrable Article 213 offense, and

(b) that person is currently required to register with law enforcement under Section 213.11A.

(3) *Additional collateral consequences for persons required to register.*

Notwithstanding any other provision of law:

(a) a person currently required to register with law enforcement under Section 213.11A must not be subject to any government action notifying a community

organization or entity or a private party that the person resides, works, or is enrolled in a program of study in the locality, except as authorized by Section 213.11H, and must not be subject to any government action permitting a public or private agency, organization, or person to access registry information, except as authorized by Section 213.11H; and

(b) a person required to register with law enforcement under Section 213.11A may be subject to an additional collateral consequence not specified in paragraph (3)(a), but only if an official designated by law, after affording the person notice and an opportunity to respond concerning the proposed additional collateral consequence, determines that the additional collateral consequence is manifestly required in the interest of public safety, after due consideration of:

(i) the nature of the offense;

(ii) all other circumstances of the case;

(iii) the person's prior record; and

(iv) the potential negative impacts of the burden, restriction, requirement, or government action on the person, on the person's family, and on the person's prospects for rehabilitation and reintegration into society.

(4) *Limitations.* The designated official who approves any additional collateral consequence pursuant to paragraph (3)(b) of this Section must determine that the additional collateral consequence:

(a) satisfies all applicable notification requirements set forth in Section 213.11B;

(b) is authorized by law;

(c) is drawn as narrowly as possible to achieve the goal of public safety;

(d) is accompanied by a written statement of the official approving the additional collateral consequence, explaining the need for it, the evidentiary basis for the finding of need, and the reasons why a more narrowly drawn restriction, disability, or government action would not adequately meet that need; and

(e) is imposed only for a period not to exceed that permitted under Section 213.11F for the duties to register and keep the registration current.

(5) *Confidentiality.* In any proceeding under paragraph (3)(b) to consider whether to impose an additional collateral consequence, the official responsible for making the determination must insure that the identity of the registrant concerned remains confidential.

(6) *Judicial Review.* A person on whom an additional collateral consequence has been imposed under paragraph (3)(b) is entitled to judicial review in an appropriate court, within the time and in accordance with the procedures provided by law for review of decisions of administrative agencies in this jurisdiction.

SECTION 213.11J. DISCRETIONARY RELIEF FROM REGISTRATION AND FROM OTHER SENTENCING CONSEQUENCES AND COLLATERAL CONSEQUENCES

(1) *Petition for Discretionary Relief.* At any time prior to the expiration of any sentencing consequence imposed under Section 213.11(3) or any collateral consequence imposed under Section 213.11(4), including any additional collateral consequence imposed under Section 213.11(4)(i) and Section 213.11I(3), the registrant may petition the sentencing court, or other authority authorized by law, to order relief from all or part of those consequences. If the obligation to register or other consequences arose from an out-of-state conviction, the petition may be addressed to a court of general jurisdiction or other authority of this state in the place where the person concerned is registered.

(2) *Proceedings on Petition for Discretionary Relief.* The authority to which the petition is addressed may either dismiss the petition summarily, in whole or in part, or institute proceedings to rule on the merits of the petition. If that authority chooses to entertain submissions, hear argument, or take evidence prior to ruling on the merits of the petition, it must give notice of the proceeding and an opportunity to participate in it to the prosecuting attorney for the offense out of which the obligation to register or other consequence arose. If the obligation to register or other consequence arose from an out-of-state conviction, notice of the proceeding and an opportunity to participate in it must be addressed to the principal prosecuting attorney in the jurisdiction of this state where the authority to which the petition is addressed is located.

(3) *Judgment on Proceedings for Discretionary Relief.* Following proceedings for discretionary relief under subsection (2), the authority to which the petition is addressed may grant or deny relief, in whole or in part, from the obligation to register, any associated duties,

and any of the sentencing consequences or collateral consequences in question. When that order terminates the registrant's obligation to register and to keep registry information current, subsequent disclosure of registry information is governed by subsection (5) of this Section. An order granting or denying relief following those proceedings must explain in writing the reasons for granting or denying relief.

(4) *Standard for Discretionary Relief.* The authority to which the petition is addressed must grant relief if it finds, after proceedings to rule on the merits pursuant to subsection (2), that the sentencing consequence or collateral consequence in question is likely to impose a substantial burden on the registrant's ability to reintegrate into law-abiding society, and that public-safety considerations do not require continued imposition of the obligation, duty, or consequence after due consideration of:

- (a) the nature of the offense;
- (b) all other circumstances of the case;
- (c) the registrant's prior and subsequent record of criminal convictions, if any;

and

(d) the potential negative impacts of the burden, restriction, or government action on the registrant, on the registrant's family, and on the registrant's prospects for rehabilitation and reintegration into society.

Relief must not be denied arbitrarily or for any punitive purpose.

(5) *Access to registry information after discretionary relief.* When an order of discretionary relief terminates the person's obligation to register and to keep registry information current, all limits on access to registry information under Section 213.11H shall remain in effect. Registry information recorded as of the date when discretionary relief takes effect must remain available to any government law-enforcement agency seeking disclosure of that information in compliance with Section 213.11H(1)(a) but must not otherwise be disclosed.

(6) *Notice to other jurisdictions concerning discretionary relief.*

(a) When discretionary relief is granted to a person under this Section, the authority granting the order of relief must, upon the person's request, give notice of that order to any other jurisdiction where the person concerned is registered or where information about the person has been provided pursuant to Section 213.11D(5).

(b) When the other jurisdiction notified is a jurisdiction of this state, the notice must specify that the other jurisdiction must extend the same relief from registration- related duties and any other sentencing consequences or collateral consequences. When that order terminates the registrant's obligation to register and to keep registry information current, that notice must also specify the limits on subsequent disclosure of registry information applicable under subsection (5).

(7) *Proceedings subsequent to discretionary relief.* An order of discretionary relief granted under this Section does not preclude the authority to which the petition was addressed from later revoking that order if, on the basis of the registrant's subsequent conduct or any other substantial change in circumstances, the authority finds by a preponderance of the evidence that public-safety considerations, weighed against the burden on the registrant's ability to reintegrate into law-abiding society, no longer justify the order of relief.

***Confidentiality.* In any proceedings under this Section to consider whether to grant or deny discretionary relief, the official responsible for making the determination must insure that the identity of the regist**