

Summary of SC89727, *John Doe I, et al. v. Major James Keathley, Thomas Phillips and James Kanatzar*

Appeal from the Jackson County circuit court, Judge Robert M. Schieber

Attorneys: Keathley was represented by Jeremiah J. Morgan and Michael Pritchett of the attorney general's office in Jefferson City, (573) 751-3321; and the John Does were represented by Arther A. Benson and Jamie K. Lansford of Benson & Associates in Kansas City, (816) 531-6565.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: This case involves the appeal of a trial court decision finding that 10 anonymous sex offenders cannot be required to register as sex offenders under a state registration requirement the trial court held violated the state constitution's ban on retrospective laws. In a unanimous decision written by Judge Richard B. Teitelman, the Supreme Court of Missouri reversed the trial court's decision. The sex offenders were required to register not by a state law but rather by a federal law that operates irrespective of any state law that allegedly violates the state constitutional ban.

Facts: Eleven John Does filed a declaratory judgment action against James Keathley, superintendent of the Missouri Highway Patrol, alleging they unconstitutionally were required, pursuant to section 589.400.1(7), RSMo Supp. 2007, to register as sex offenders. Missouri's registration requirements took effect January 1, 1995, and were amended August 28, 2000, to require registration for misdemeanor offenses under chapter 566, RSMo. Seven of the John Does were convicted of sex crimes before January 1, 1995, in other states or in a military court; two more pleaded guilty to misdemeanor sex offenses in Missouri before August 28, 2000. The circuit court entered summary judgment for 10 of the John Does, finding that section 589.400.1(7) violates the Missouri Constitution's provision of article I, section 13 barring the enactment of laws that are retrospective in operation. Keathley appeals.

REVERSED.

Court en banc holds: The circuit court erroneously concluded that the John Does are exempt from registration by virtue of article I, section 13 of the Missouri Constitution. This provision applies only if the registration requirement arises from the enactment of a state law. The registration requirement here, however, arises not from state law but from the federal Sexual Offenders Registration and Notification Act, 42 U.S.C. sections 16911 through 16913, which imposes an independent obligation requiring these John Does to register as sex offenders in Missouri. The federal act operates irrespective of any state law that allegedly violates the article I, section 13 ban on retrospective state laws.