

By: Carlton

To: Judiciary

SENATE BILL NO. 2797

1 AN ACT TO CREATE NEW SECTION 45-33-21, MISSISSIPPI CODE OF
2 1972, TO ENACT LEGISLATIVE FINDINGS AND MAKE A STATEMENT OF INTENT
3 AND PURPOSE; TO CREATE NEW SECTION 45-33-23, MISSISSIPPI CODE OF
4 1972, TO ENACT DEFINITIONS; TO CREATE NEW SECTION 45-33-25,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE REGISTRATION WITH THE
6 MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY OF ALL CONVICTED SEX
7 OFFENDERS, AND TO PROVIDE WHAT INFORMATION IS REQUIRED FOR
8 REGISTRATION; TO CREATE NEW SECTION 45-33-27, MISSISSIPPI CODE OF
9 1972, TO ENACT DEADLINES FOR REGISTRATION; TO CREATE NEW SECTION
10 45-33-29, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT REGISTRANTS
11 PROVIDE NOTICE OF ANY CHANGE OF ADDRESS; TO CREATE NEW SECTION
12 45-33-31, MISSISSIPPI CODE OF 1972, TO REQUIRE PERIODIC
13 RE-REGISTRATION; TO CREATE NEW SECTION 45-33-33, MISSISSIPPI CODE
14 OF 1972, TO ENACT PENALTIES FOR FAILURE TO REGISTER; TO CREATE NEW
15 SECTION 45-33-35, MISSISSIPPI CODE OF 1972, TO CREATE A CENTRAL
16 SEX OFFENDER REGISTRY AND TO REQUIRE CERTAIN PERSONS TO PERFORM
17 REGISTRATION DUTIES; TO CREATE NEW SECTION 45-33-37, MISSISSIPPI
18 CODE OF 1972, TO REQUIRE A CONVICTED SEX OFFENDER TO PROVIDE A
19 BLOOD SAMPLE FOR PURPOSES OF DNA IDENTIFICATION ANALYSIS; TO
20 CREATE NEW SECTION 45-33-39, MISSISSIPPI CODE OF 1972, TO REQUIRE
21 NOTICE TO THOSE REQUIRED TO REGISTER; TO CREATE NEW SECTION
22 45-33-41, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO
23 INCARCERATED PERSONS REQUIRED TO REGISTER; TO CREATE NEW SECTION
24 45-33-43, MISSISSIPPI CODE OF 1972, TO REQUIRE WRITTEN NOTICE BE
25 GIVEN TO DRIVER'S LICENSE APPLICANTS; TO CREATE NEW SECTION
26 45-33-45, MISSISSIPPI CODE OF 1972, TO ENACT A DEFINITION OF
27 "SEXUAL PREDATOR"; TO CREATE NEW SECTION 45-33-47, MISSISSIPPI
28 CODE OF 1972, TO PROVIDE FOR A PETITION FOR RELIEF FROM THE DUTY
29 TO REGISTER; TO CREATE NEW SECTION 45-33-49, MISSISSIPPI CODE OF
30 1972, TO PROVIDE FOR DISCLOSURE TO THE PUBLIC, SCHOOL AND DAY CARE
31 CENTERS; TO CREATE NEW SECTION 45-33-51, MISSISSIPPI CODE OF 1972,
32 TO ENACT PENALTIES FOR THE MISUSE OF REGISTRATION INFORMATION; TO
33 CREATE NEW SECTION 45-33-53, MISSISSIPPI CODE OF 1972, TO PROVIDE
34 IMMUNITY FROM CIVIL LIABILITY AND IN THE EXERCISE OF DISCRETION
35 UNDER THE ACT; TO CREATE NEW SECTION 45-33-55, MISSISSIPPI CODE OF
36 1972, TO PROVIDE EXEMPTIONS FOR EXPUNCTION; TO CREATE NEW SECTION
37 45-33-57, MISSISSIPPI CODE OF 1972, TO ALLOW THE DEPARTMENT OF
38 PUBLIC SAFETY TO ESTABLISH FEES TO BE CHARGED FOR REQUESTS FOR
39 INFORMATION; TO REPEAL SECTIONS 45-33-1 THROUGH 45-33-19,
40 MISSISSIPPI CODE OF 1972, WHICH DEAL WITH THE REGISTRATION OF
41 CONVICTED SEX OFFENDERS; AND FOR RELATED PURPOSES.

42 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

43 SECTION 1. Section 45-33-21, Mississippi Code of 1972, is
44 codified as follows:

45 45-33-21. **Legislative findings and declaration of purpose.**

46 The Legislature finds that the danger of recidivism posed by
47 criminal sex offenders and the protection of the public from these
48 offenders is of paramount concern and interest to government. The
49 Legislature further finds that law enforcement agencies' efforts
50 to protect their communities, conduct investigations, and quickly
51 apprehend criminal sex offenders are impaired by the lack of
52 information shared with the public, which lack of information may
53 result in the failure of the criminal justice system to identify,
54 investigate, apprehend, and prosecute criminal sex offenders.

55 The Legislature further finds that the system of registering
56 criminal sex offenders is a proper exercise of the state's police
57 power regulating present and ongoing conduct. Comprehensive
58 registration and periodic address verification will provide law
59 enforcement with additional information critical to preventing
60 sexual victimization and to resolving promptly incidents involving
61 sexual abuse and exploitation. It will allow law enforcement
62 agencies to alert the public when necessary for the continued
63 protection of the community.

64 Persons found to have committed a sex offense have a reduced
65 expectation of privacy because of the public's interest in safety
66 and in the effective operation of government. In balancing
67 offenders' due process and other rights, and the interests of
68 public security, the Legislature finds that releasing such
69 information about criminal sex offenders to the general public
70 will further the primary governmental interest of protecting
71 vulnerable populations and, in some instances the public, from
72 potential harm.

73 Therefore, the state's policy is to assist local law
74 enforcement agencies' efforts to protect their communities by
75 requiring criminal sex offenders to register, to record their
76 addresses of residence, to be photographed and fingerprinted, and
77 to authorize the release of necessary and relevant information
78 about criminal sex offenders to the public as provided in this

79 act, which may be referred to as the Mississippi Sex Offenders
80 Registration Law.

81 SECTION 2. Section 45-33-23, Mississippi Code of 1972, is
82 codified as follows:

83 45-33-23. **Definitions.**

84 For the purposes of this chapter, the following words shall
85 have the meanings ascribed herein unless the context clearly
86 requires otherwise:

87 (a) "Conviction" shall mean that, regarding the
88 person's offense, there has been a determination or judgment of
89 guilt as a result of a trial or the entry of a plea of guilty or
90 nolo contendere, regardless of whether adjudication is withheld.
91 "Conviction of similar offenses" includes, but is not limited to,
92 a conviction by a federal or military tribunal, including a court
93 martial conducted by the Armed Forces of the United States, a
94 conviction for an offense committed on an Indian Reservation or
95 other federal property, and a conviction in any state of the
96 United States.

97 (b) "Jurisdiction" shall mean any state court, federal
98 court, military court or Indian tribunal.

99 (c) "Permanent residence" is defined as a place where
100 the person abides, lodges, or resides for a period of fourteen
101 (14) or more consecutive days.

102 (d) "Registration duties" means obtaining the
103 registration information required on the form specified by the
104 department as well as the photograph, fingerprints, and blood
105 sample of the registrant. Blood samples are to be forwarded to
106 the State Crime Laboratory pursuant to Section 45-33-37; the
107 photograph, fingerprints and other registration information are to
108 be forwarded to the Department of Public Safety within three (3)
109 days.

110 (e) "Responsible agency" is defined as the person or
111 government entity whose duty it is to obtain information from a

112 criminal sex offender before release and to transmit that
113 information to the Mississippi Department of Public Safety.

114 (i) For a criminal sex offender being released
115 from the custody of the Department of Corrections, the responsible
116 agency is the Department of Corrections.

117 (ii) For a criminal sex offender being released
118 from a county jail, the responsible agency is the sheriff of that
119 county.

120 (iii) For a criminal sex offender being released
121 from a municipal jail, the responsible agency is the police
122 department of that municipality.

123 (iv) For a sex offender in the custody of youth
124 court, the responsible agency is the youth court.

125 (v) For a criminal sex offender who is being
126 placed on probation, including conditional discharge or
127 unconditional discharge, without any sentence of incarceration,
128 the responsible agency is the sentencing court.

129 (vi) For an offender who has been committed to a
130 mental institution following an acquittal by reason of insanity,
131 the responsible agency is the facility from which the offender is
132 released. Specifically, the director of said facility shall
133 notify the Department of Public Safety prior to the offender's
134 release.

135 (vii) For a criminal sex offender who is being
136 released from a jurisdiction outside this state or who has a prior
137 conviction in another state and who is to reside in this state,
138 the responsible agency is the Department of Public Safety.

139 (f) "Sex offense" means any of the following offenses:

140 (i) Section 97-3-53 relating to kidnapping, if the
141 victim was below the age of eighteen (18);

142 (ii) Section 97-3-65 relating to rape;

143 (iii) Section 97-3-71 relating to rape and assault
144 with intent to ravish;

145 (iv) Section 97-3-95 relating to sexual battery;
146 (v) Section 97-5-21 relating to seduction of a
147 child under age eighteen (18);
148 (vi) Section 97-5-23 relating to the touching of a
149 child for lustful purposes;
150 (vii) Section 97-5-27 relating to the
151 dissemination of sexually oriented material to children;
152 (viii) Section 97-5-33 relating to the
153 exploitation of children;
154 (ix) Section 97-5-41 relating to the carnal
155 knowledge of a stepchild, adopted child or child of a cohabiting
156 partner;
157 (x) Section 97-29-59 relating to unnatural
158 intercourse; or
159 (xi) Any other offense committed in another
160 jurisdiction, which, if committed in this state, would be deemed
161 to be such a crime without regard to its designation elsewhere.
162 (g) "Sexual predator" means a person who has been
163 convicted of a sex offense or offenses as described in Section
164 45-33-45 and who has been designated as a sexual predator
165 according to the terms of that section.
166 (h) "Temporary residence" is defined as a place where
167 the person abides, lodges, or resides for a period of fourteen
168 (14) or more days in the aggregate during any calendar year and
169 which is not the person's permanent address; for a person whose
170 permanent residence is not in this state, the place where the
171 person is employed, practices a vocation, or is enrolled as a
172 student for any period of time in the state; or a place where a
173 person routinely abides, lodges, or resides for a period of four
174 (4) or more consecutive or nonconsecutive days in any month and
175 which is not the person's permanent residence.
176 (i) "Department" unless otherwise specified is defined
177 as the Mississippi Department of Public Safety.

178 SECTION 3. Section 45-33-25, Mississippi Code of 1972, is
179 codified as follows:

180 45-33-25. **Registration with Mississippi Department of Public**
181 **Safety of all Convicted Sex Offenders; Registration Information.**

182 (1) Any person residing in this state who has been convicted
183 of any sex offense or attempted sex offense or who has been
184 acquitted by reason of insanity for any sex offense or attempted
185 sex offense or twice adjudicated delinquent for any sex offense or
186 attempted sex offense shall register with the Mississippi
187 Department of Public Safety. The department shall provide the
188 initial registration information as well as every change of
189 address to the sheriff of the county of the residence address of
190 the registrant through either written notice, electronic or
191 telephone transmissions, or online access to registration
192 information. Further, the department shall provide this
193 information to the Federal Bureau of Investigation. Additionally,
194 upon notification by the registrant that he intends to reside
195 outside the State of Mississippi, the department shall notify the
196 appropriate state law enforcement agency of any state to which a
197 registrant is moving or has moved.

198 (2) The following information shall be required for
199 registration:

- 200 (a) Name;
- 201 (b) Address;
- 202 (c) Place of employment;
- 203 (d) Crime for which convicted;
- 204 (e) Date and place of conviction, adjudication or
205 acquittal by reason of insanity;
- 206 (f) Aliases used;
- 207 (g) Social security number;
- 208 (h) Date of birth;
- 209 (i) Age, race, sex, height, weight, and hair and eye
210 colors;

211 (j) A brief description of the offense or offenses for
212 which the registration is required;
213 (k) Identifying factors;
214 (l) Anticipated future residence;
215 (m) Offense history;
216 (n) Photograph;
217 (o) Fingerprints;
218 (p) For sexual predators, documentation of any
219 treatment received for any mental abnormality or personality
220 disorder of the person;
221 (q) Blood sample; and
222 (r) Any other information deemed necessary.

223 (3) For purposes of this chapter, a person is considered to
224 be residing in this state if he maintains a permanent or temporary
225 residence as defined in Section 45-33-23, including students,
226 temporary employees and military personnel on assignment.

227 SECTION 4. Section 45-33-27, Mississippi Code of 1972, is
228 codified as follows:

229 45-33-27. Time Frame for Registration of Offenders.

230 (1) A person required to register on the basis of a
231 conviction, adjudication of delinquency or acquittal by reason of
232 insanity entered shall register within three (3) days of the date
233 of judgment unless the person is immediately confined or
234 committed, in which case the person shall register when released
235 in accordance with the procedures established by the department.
236 The court shall inform the person of the duty to register and
237 obtain the information required for registration and forward the
238 registration information to the department within three (3) days.

239 (2) If a person who is required to register under this
240 section is released from prison or placed on parole or supervised
241 release, the Department of Corrections shall perform the
242 registration duties at the time of release and forward the
243 registration information to the Department of Public Safety within

244 three (3) days.

245 (3) If a person required to register under this section is
246 placed on probation, the court, at the time of entering the order,
247 shall obtain the registration information and forward the
248 registration information to the Department of Public Safety within
249 three (3) days.

250 (4) Any person required to register who is neither
251 incarcerated, detained nor committed at the time the requirement
252 to register shall attach shall present himself to the county
253 sheriff who shall perform the registration duties and forward the
254 registration information to the Department of Public Safety within
255 three (3) days.

256 (5) An offender moving to or returning to this state from
257 another jurisdiction shall notify the Department of Public Safety
258 ten (10) days before the person first resides in or returns to a
259 county in this state and shall register with the department within
260 ten (10) days of first residing in or returning to a county of
261 this state. The offender must then present himself to the sheriff
262 of the county in which he intends to reside to provide the
263 required registration information.

264 (6) A person, other than a person confined in a correctional
265 or juvenile detention facility or involuntarily committed on the
266 basis of mental illness, who is required to register on the basis
267 of a sex offense for which a conviction, adjudication of
268 delinquency or acquittal by reason of insanity was entered prior
269 to July 1, 1995, shall register with the sheriff of the county in
270 which he resides no later than August 15, 2000.

271 SECTION 5. Section 45-33-29, Mississippi Code of 1972, is
272 codified as follows:

273 45-33-29. **Address Change Notification.**

274 Upon any change of address, an offender under this chapter
275 must notify the department in writing no less than ten (10) days
276 before he intends to first reside at the new address.

277 SECTION 6. Section 45-33-31, Mississippi Code of 1972, is
278 codified as follows:

279 45-33-31. **Re-registration.**

280 A registrant shall re-register every ninety (90) days by
281 submitting current information to the department verifying his
282 registration information, including address, telephone number,
283 place of employment, address of employment, and any other
284 registration information that may need to be verified.

285 (a) The Department of Public Safety shall mail a
286 nonforwardable verification form to the last reported address of
287 the person every ninety (90) days.

288 (b) The person shall mail the verification form to the
289 department within ten (10) days after receipt of the form
290 verifying that the person resides at the address last reported.

291 (c) If the person fails to mail the verification form
292 to the department within ten (10) days after receipt of the form,
293 the person shall be in violation of this section.

294 SECTION 7. Section 45-33-33, Mississippi Code of 1972, is
295 codified as follows:

296 45-33-33. **Failure to Register; Penalties and Enforcement.**

297 (1) The failure of an offender to provide any registration
298 or other information, including, but not limited to, initial
299 registration, re-registration or change of address information, as
300 required by this chapter, is a violation of the law.
301 Additionally, forgery of information or submission of information
302 under false pretenses is also a violation of the law.

303 (2) Unless otherwise specified, a violation of this chapter
304 shall be considered a felony and shall be punishable by a fine not
305 more than Five Thousand Dollars (\$5,000.00) or imprisonment in the
306 State Penitentiary for not more than five (5) years, or both fine
307 and imprisonment.

308 (3) Whenever it appears that an offender has failed to
309 comply with the duty to register or re-register, the department

310 shall promptly notify the sheriff of the county of the last known
311 address of the offender. Upon notification, the sheriff shall
312 attempt to locate the offender at his last known address.

313 (a) If the sheriff locates the offender he shall
314 enforce the provisions of this chapter. The sheriff shall then
315 notify the department with the current information regarding the
316 offender.

317 (b) If the sheriff is unable to locate the offender,
318 the sheriff shall promptly notify the department and initiate a
319 criminal prosecution against the offender for the failure to
320 register or re-register. The sheriff shall make the appropriate
321 transactions into the Federal Bureau of Investigation's
322 wanted-person database.

323 (4) A first violation of this chapter may result in the
324 arrest of the offender. Upon any second or subsequent violation
325 of this chapter, the offender shall be arrested for such
326 violation.

327 SECTION 8. Section 45-33-35, Mississippi Code of 1972, is
328 codified as follows:

329 45-33-35. **Central Registry of Offenders; Duties of Agencies**
330 **to Provide Information.**

331 (1) The Mississippi Department of Public Safety shall
332 maintain a central registry of sex offender information as defined
333 in Section 45-33-25 and shall adopt rules and regulations
334 necessary to carry out this section. The responsible agencies
335 shall provide the information required in Section 45-33-25 on a
336 form developed by the department to ensure accurate information is
337 maintained.

338 (2) Upon conviction, adjudication or acquittal by reason of
339 insanity of any sex offender, if the sex offender is not
340 immediately confined or not sentenced to a term of imprisonment,
341 the clerk of the court which convicted and sentenced the sex
342 offender shall inform the person of the duty to register and shall

343 perform the registration duties as described in Section 45-33-23
344 and forward the information to the department.

345 (3) Upon release from prison, placement on parole or
346 supervised release, the Department of Corrections shall inform the
347 person of the duty to register and shall perform the registration
348 duties as described in Section 45-33-23 and forward the
349 information to the Department of Public Safety.

350 (4) Upon release from confinement in a mental institution
351 following an acquittal by reason of insanity, the director of the
352 facility shall inform the offender of the duty to register and
353 shall notify the Department of Public Safety of the offender's
354 release.

355 (5) Upon release from a youthful offender facility, the
356 director of the facility shall inform the person of the duty to
357 register and shall perform the registration duties as described in
358 Section 45-33-23 and forward the information to the Department of
359 Public Safety.

360 (6) In addition to performing the registration duties, the
361 responsible agency shall:

362 (a) Inform the person having a duty to register that:

363 (i) The person shall report in writing any change
364 of address to the department ten (10) days before changing
365 address.

366 (ii) Any change of address to another state shall
367 be reported to the department in writing no less than ten (10)
368 days before the change of address. The offender shall comply with
369 any registration requirement in the new state.

370 (iii) The person must register in any state where
371 the person is employed, carries on a vocation, is stationed in the
372 military or is a student.

373 (iv) All address verifications must be returned to
374 the department within the required time period.

375 (b) Require the person to read and sign a form stating

376 that the duty of the person to register under this chapter has
377 been explained.

378 (c) Obtain or facilitate the obtaining of a blood
379 sample from every registrant as required by this chapter if such
380 blood sample has not already been provided to the Mississippi
381 Crime Lab.

382 SECTION 9. Section 45-33-37, Mississippi Code of 1972, is
383 codified as follows:

384 **45-33-37. DNA Identification System; Convicted Sex Offender**
385 **to Provide Blood Sample for Purposes of DNA Identification**
386 **Analysis.**

387 (1) The Mississippi Crime Laboratory shall develop a plan
388 for and establish a deoxyribonucleic acid (DNA) identification
389 system. In implementing the plan, the Mississippi Crime
390 Laboratory shall purchase the appropriate equipment. The DNA
391 identification system as established herein shall be compatible
392 with that utilized by the Federal Bureau of Investigation.

393 (2) From and after January 1, 1996, every individual
394 convicted of a sex offense or in the custody of the Mississippi
395 Department of Corrections for a sex offense as defined in Section
396 45-33-23 shall have a blood sample drawn for purposes of DNA
397 identification analysis before release from or transfer to a state
398 correctional facility or county jail or other detention facility.

399 (4) From and after January 1, 1996, any person having a duty
400 to register under Section 45-33-25 for whom a DNA analysis is not
401 already on file shall have a blood sample drawn for purposes of
402 DNA identification analysis within five (5) working days after
403 registration.

404 SECTION 10. Section 45-33-39, Mississippi Code of 1972, is
405 codified as follows:

406 **45-33-39. Notification to Defendant Charged with Sex**
407 **Offense; Notice Included on any Guilty Plea Form and Judgement and**
408 **Sentence Forms.**

409 (1) The court shall provide written notification to any
410 defendant charged with a sex offense as defined by this chapter of
411 the registration requirements of Sections 45-33-25 and 45-33-31.
412 Such notice shall be included on any guilty plea forms and
413 judgment and sentence forms provided to the defendant. The court
414 shall obtain a written acknowledgment of receipt on each occasion.

415 (2) A court imposing a sentence, disposition or order of
416 commitment following acquittal by reason of insanity shall notify
417 the offender of the registration requirements of Sections 45-33-25
418 and 45-23-31. The court shall obtain a written acknowledgment of
419 receipt on each occasion.

420 SECTION 11. Section 45-33-41, Mississippi Code of 1972, is
421 codified as follows:

422 **45-33-41. Notification to Inmates and Offenders by**
423 **Department of Corrections, County or Municipal Jails, and Juvenile**
424 **Detention Facilities; Victim Notification.**

425 (1) The Department of Corrections or any person having
426 charge of a county or municipal jail or any juvenile detention
427 facility shall provide written notification to an inmate or
428 offender in the custody of the jail or other facility due to a
429 conviction of or adjudication for a sex offense of the
430 registration requirements of Sections 45-33-25 and 45-33-31 at the
431 time of the inmate's or offender's confinement and release from
432 confinement and shall receive a signed acknowledgment of receipt
433 on both occasions.

434 (2) At least ten (10) days prior to the inmate's release
435 from confinement, the Department of Corrections shall notify the
436 victim of the offense or a designee of the immediate family of the
437 victim regarding the date when the offender's release shall occur,
438 provided a current address of the victim or designated family
439 member has been furnished in writing to the Director of Records
440 for such purpose.

441 SECTION 12. Section 45-33-43, Mississippi Code of 1972, is

442 codified as follows:

443 45-33-43. **Written Notification to Certain Applicants for a**
444 **Driver's License.**

445 At the time a person surrenders a driver's license from
446 another jurisdiction and makes an application for a driver's
447 license, the department shall provide the applicant with written
448 information on the registration requirements of this chapter.

449 SECTION 13. Section 45-33-45, Mississippi Code of 1972, is
450 codified as follows:

451 45-33-45. **Sexual Predator Designation.**

452 (1) The designation of a person as a sexual predator is
453 neither a sentence nor a punishment, but is simply a status
454 resulting from the conviction of certain crimes.

455 (2) An offender shall be designated a sexual predator in the
456 State of Mississippi if:

457 (a) The offender is convicted of any of the following
458 crimes on or after July 1, 1995.

459 (i) Section 97-3-65 relating to rape and carnal
460 knowledge of a child under fourteen (14) years of age;

461 (ii) Section 97-3-71 relating to rape and assault
462 with intent to ravish;

463 (iii) Section 97-3-95 relating to sexual battery;

464 (iv) Section 97-5-21 relating to seduction of a
465 child under age eighteen (18);

466 (v) Section 97-5-33 relating to the exploitation
467 of children;

468 (vi) Section 97-5-41 relating to the carnal
469 knowledge of a stepchild, adopted child or child of a cohabiting
470 partner; or

471 (vii) Any violation of a similar law of another
472 jurisdiction.

473 (b) The offender receives two (2) separate convictions
474 of any of the qualifying offenses as described in Section 45-33-23

475 as long as one (1) of the convictions was entered on or after July
476 1, 1995.

477 (c) The offender is twice adjudicated delinquent in a
478 youth court for the crime of rape pursuant to Section 97-3-65 or
479 sexual battery pursuant to Section 97-3-95.

480 (3) When an offender is before the court for sentencing for
481 one of the above qualifying offenses, the sentencing court shall
482 make a written finding at the time of sentencing that the offender
483 is a sexual predator based on a first conviction for the crimes
484 described in subsection (2)(a) above or a second conviction for
485 any of the qualifying offenses in this chapter. The court shall
486 submit a copy of the court order containing the written finding to
487 the department and also to the Department of Corrections, if the
488 offender is incarcerated.

489 (4) If the department, the Department of Corrections, or any
490 other law enforcement agency obtains information suggesting an
491 offender meets the "sexual predator" designation criteria, but has
492 not been designated as a sexual predator in writing by the court,
493 that agency shall notify the district attorney of the district in
494 which the offender resides. The district attorney shall then seek
495 a court order to obtain the designation.

496 (5) Any offender convicted as described in subsection (2) of
497 this section shall be required to maintain lifetime registration
498 without the opportunity to petition for removal from the sex
499 offender registry.

500 (6) The offender will be considered a sexual predator for
501 such convictions unless the conviction was set aside in any
502 post-conviction proceeding or the offender received a pardon or
503 similar relief. An offender who resides in Mississippi and who
504 has been designated a sexual predator, a sexually violent predator
505 or a similar designation in another state will be designated a
506 sexual predator in the Mississippi sex offender registry.

507 SECTION 14. Section 45-33-47, Mississippi Code of 1972, is

508 codified as follows:

509 45-33-47. **Petition for Relief from Duty to Register;**

510 **Grounds.**

511 (1) A sex offender with a duty to register under Section
512 45-33-25 shall only be relieved of the duty under subsection (2)
513 of this section.

514 (2) A person having a duty to register under Section
515 45-33-25 may petition the circuit court to be relieved of that
516 duty under the following conditions:

517 (a) The offender has maintained his registration for
518 not less than ten (10) years from the date of occurrence of at
519 least one (1) of the following: release from prison, placement on
520 parole, supervised release or probation.

521 (b) The offender has not been designated a sexual
522 predator.

523 (3) In determining whether to release an offender from the
524 obligation to register, the court shall consider the nature of the
525 registerable offense committed and the criminal and relevant
526 noncriminal behavior of the petitioner both before and after
527 conviction. The court may relieve the offender of the duty to
528 register only if the petitioner shows, by clear and convincing
529 evidence, that future registration of the petitioner will not
530 serve the purposes of this chapter.

531 SECTION 15. Section 45-33-49, Mississippi Code of 1972, is
532 codified as follows:

533 45-33-49. **Disclosure to Public; Notification of Schools and**
534 **Day Care Centers; Guidelines for Sheriffs as to Notification;**
535 **Maintenance of Records.**

536 (1) Records maintained pursuant to this chapter shall be
537 open to law enforcement agencies which shall be authorized to
538 release relevant and necessary information regarding sex offenders
539 to the public.

540 (2) The identity of a victim of an offense that requires

541 registration under this chapter shall not be released.

542 (3) A sheriff shall maintain records for registrants of the
543 county and shall make available to any person upon request the
544 name, address, place of employment, crime for which convicted,
545 date and place of conviction of any registrant, and any other
546 information deemed necessary for the protection of the public.
547 The sheriffs shall be responsible for verifying their respective
548 registries annually against the department's records to ensure
549 current information is available at both levels.

550 (4) Upon written request, the department may also provide to
551 any person the name, address, photograph, if available, place of
552 employment, crime for which convicted, date and place of
553 conviction of any registrant, and any other information deemed
554 necessary for the protection of the public. Additionally, the
555 department may utilize an internet website or other electronic
556 means to release the information.

557 (5) The Department of Education, the Mississippi Private
558 School Association and the Department of Health shall notify all
559 schools and licensed day care centers annually regarding the
560 availability upon request of this information.

561 (6) Nothing in this section shall be construed to prevent
562 law enforcement officers from notifying members of the public
563 exposed to danger of any circumstances or individuals that pose a
564 danger under circumstances that are not enumerated in this
565 section.

566 (7) Nothing in this chapter shall be construed to prevent
567 law enforcement officers from providing community notification of
568 any circumstances or individuals that pose or could pose a danger
569 under circumstances that are not enumerated in this chapter.

570 SECTION 16. Section 45-33-51, Mississippi Code of 1972, is
571 codified as follows:

572 45-33-51. Misuse of Information; Penalties.

573 (1) Any person who willfully misuses or alters public record

574 information relating to a sex offender or sexual predator,
575 including information displayed by law enforcement agencies on web
576 sites, shall be guilty of a misdemeanor and shall be punished by a
577 fine of not more than One Thousand Dollars (\$1,000.00) or
578 imprisonment in the county jail not more than six (6) months, or
579 both.

580 (2) The sale or exchange of sex offender information for
581 profit is prohibited. Any violation of this subsection (2) is a
582 misdemeanor and shall be punished by a fine of not more than One
583 Thousand Dollars (\$1,000.00) or imprisonment in the county jail
584 not more than six (6) months, or both.

585 SECTION 17. Section 45-33-53, Mississippi Code of 1972, is
586 codified as follows:

587 45-33-53. **Immunity from Civil Liability; Immunity for**
588 **Exercise of Discretion Under Act.**

589 (1) An elected public official, public employee, or public
590 agency is immune from civil liability for damages for any
591 discretionary decision to release relevant and necessary
592 information unless it is shown that the official, employee, or
593 agency acted with gross negligence or in bad faith. The immunity
594 provided under this section applies to the release of relevant
595 information to other employees or officials or to the general
596 public.

597 (2) Nothing in this chapter shall be deemed to impose any
598 liability upon or to give rise to a cause of action against any
599 public official, public employee, or public agency for failing to
600 release information as authorized in this section.

601 (3) Notwithstanding any other provision of law to the
602 contrary, any person who provides or fails to provide information
603 relevant to the procedures set forth in this chapter shall not be
604 liable therefor in any civil or criminal action. Nothing herein
605 shall be deemed to grant any such immunity to any person for his
606 willful or wanton act of commission or omission.

607 SECTION 18. Section 45-33-55, Mississippi Code of 1972, is
608 codified as follows:

609 45-33-55. **Exemptions for Expunction.**

610 Except for juvenile criminal history information that has
611 been sealed by order of the court, this chapter exempts sex
612 offenses from laws of this state or court orders authorizing the
613 destroying, expunging, purging or sealing of criminal history
614 records to the extent such information is authorized for
615 dissemination under this chapter.

616 SECTION 19. Section 45-33-57, Mississippi Code of 1972, is
617 codified as follows:

618 45-33-57. **Fees.**

619 The Department of Public Safety may adopt regulations to
620 establish fees to be charged for information requests.

621 SECTION 20. Sections 45-33-1, 45-33-3, 45-33-5, 45-33-7,
622 45-33-9, 45-33-11, 45-33-13, 45-33-15, 45-33-17 and 45-33-19,
623 Mississippi Code of 1972, which deal with the registration of
624 convicted sex offenders, are repealed.

625 SECTION 21. This act shall take effect and be in force from
626 and after July 1, 2000.