

By: Representative Formby

To: Judiciary B

HOUSE BILL NO. 471

1 AN ACT TO CREATE THE SEX OFFENDER TECHNOLOGY FUND AND PROVIDE  
2 FOR ITS ADMINISTRATION; TO AMEND SECTIONS 45-33-25 AND 45-33-49,  
3 MISSISSIPPI CODE OF 1972, TO REQUIRE COMMUNITY NOTIFICATION  
4 MAILINGS BY SEX OFFENDERS; TO AMEND SECTION 45-33-51, MISSISSIPPI  
5 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** There is created within the State Treasury the  
9 Sex Offender Technology Fund which shall be administered by the  
10 Department of Public Safety. All registered sex offenders shall  
11 pay a monthly supervision fee of Five Dollars (\$5.00) as a  
12 condition of supervised release. The monies in this fund shall be  
13 first allocated for the adoption of a sex offender tracking  
14 program for state data accuracy purposed and secondly for local  
15 law enforcement agencies responsible for the registration and  
16 community notification of sex offenders.

17 **SECTION 2.** Section 45-33-25, Mississippi Code of 1972, is  
18 amended as follows:

19 45-33-25. (1) Any person residing in this state who has  
20 been convicted of any sex offense or attempted sex offense or who  
21 has been acquitted by reason of insanity for any sex offense or  
22 attempted sex offense or twice adjudicated delinquent for any sex  
23 offense or attempted sex offense shall register with the  
24 Mississippi Department of Public Safety and shall conduct a  
25 community notification mailing as provided in subsection (8) of  
26 Section 45-33-49. Registration shall not be required for an  
27 offense that is not a registrable sex offense. The department  
28 shall provide the initial registration information as well as  
29 every change of address to the sheriff of the county of the



30 residence address of the registrant through either written notice,  
31 electronic or telephone transmissions, or online access to  
32 registration information. Further, the department shall provide  
33 this information to the Federal Bureau of Investigation.  
34 Additionally, upon notification by the registrant that he intends  
35 to reside outside the State of Mississippi, the department shall  
36 notify the appropriate state law enforcement agency of any state  
37 to which a registrant is moving or has moved.

38 (2) Any person required to register under this chapter shall  
39 submit the following information at the time of registration:

40 (a) Name, including a former name which has been  
41 legally changed;

42 (b) Street address;

43 (c) Place of employment;

44 (d) Crime for which convicted;

45 (e) Date and place of conviction, adjudication or  
46 acquittal by reason of insanity;

47 (f) Aliases used;

48 (g) Social security number;

49 (h) Date and place of birth;

50 (i) Age, race, sex, height, weight, and hair and eye  
51 colors;

52 (j) A brief description of the offense or offenses for  
53 which the registration is required;

54 (k) Identifying factors;

55 (l) Anticipated future residence;

56 (m) Offense history;

57 (n) Photograph;

58 (o) Fingerprints;

59 (p) Documentation of any treatment received for any  
60 mental abnormality or personality disorder of the person;

61 (q) Biological sample;



62 (r) Name of any institution of higher learning at which  
63 the offender is employed, carries on a vocation (with or without  
64 compensation) or is enrolled as a student; and

65 (s) Any other information deemed necessary.

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

70 **SECTION 3.** Section 45-33-49, Mississippi Code of 1972, is  
71 amended as follows:

72 45-33-49. (1) Records maintained pursuant to this chapter  
73 shall be open to law enforcement agencies which shall be  
74 authorized to release relevant and necessary information regarding  
75 sex offenders to the public.

76 (2) The identity of a victim of an offense that requires  
77 registration under this chapter shall not be released.

78 (3) A sheriff shall maintain records for registrants of the  
79 county and shall make available to any person upon request the  
80 name, address, place of employment, crime for which convicted,  
81 date and place of conviction of any registrant, and any other  
82 information deemed necessary for the protection of the public.  
83 The sheriffs shall be responsible for verifying their respective  
84 registries annually against the department's records to ensure  
85 current information is available at both levels.

86 (4) Upon written request, the department may also provide to  
87 any person the name, address, photograph, if available, date of  
88 photograph, place of employment, crime for which convicted, date  
89 and place of conviction of any registrant, hair, eye color,  
90 height, race, sex and date of birth of any registrant, and any  
91 other information deemed necessary for the protection of the  
92 public. Additionally, the department may utilize an Internet  
93 website or other electronic means to release the information.



94 (5) The Department of Education, the Mississippi Private  
95 School Association and the Department of Health shall notify all  
96 schools and licensed day care centers annually regarding the  
97 availability upon request of this information.

98 (6) Nothing in this section shall be construed to prevent  
99 law enforcement officers from notifying members of the public  
100 exposed to danger of any circumstances or individuals that pose a  
101 danger under circumstances that are not enumerated in this  
102 section.

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

107 (8) All offenders shall, at their expense, conduct a  
108 community notification mailing within twenty-one (21) days upon a  
109 change of address. Such community notification mailing shall be  
110 to every residence within three-tenths (3/10) of a mile radius in  
111 an urban area and within a one-mile radius in a rural area. The  
112 mailings shall be by certified mail, return receipt requested.  
113 The notification shall include the offender's name, address,  
114 physical description, a photo, the date of release from  
115 incarceration and the nature of the offender's conviction. The  
116 Department of Public Safety shall designate offenders as high,  
117 medium or low risk. Any offender who fails to provide community  
118 notification mailing as required by this section shall be guilty  
119 of a misdemeanor and upon conviction shall be fined not more than  
120 One Thousand Dollars (\$1,000.00) or imprisoned in the county jail  
121 for not more than one (1) year or both.

122 **SECTION 4.** Section 45-33-51, Mississippi Code of 1972, is  
123 amended as follows:

124 45-33-51. (1) Any person who willfully misuses or alters  
125 public record information relating to a sex offender or sexual  
126 predator, including information displayed by law enforcement



127 agencies on web sites, shall be guilty of a misdemeanor and shall  
128 be punished by a fine of not more than One Thousand Dollars  
129 (\$1,000.00) or imprisonment in the county jail not more than six  
130 (6) months, or both.

131 (2) Except as otherwise provided in subsection (3) of this  
132 section, the sale or exchange of sex offender information for  
133 profit is prohibited. Any violation of this subsection (2) is a  
134 misdemeanor and shall be punished by a fine of not more than One  
135 Thousand Dollars (\$1,000.00) or imprisonment in the county jail  
136 not more than six (6) months, or both.

137 (3) The Department of Public Safety may contract with  
138 outside sources for purposes of providing mapping services and  
139 community notification of additions and changes to the registry.  
140 Outside sources who contract with the Department of Public Safety  
141 for services may charge fees to citizens willing to pay for  
142 contracted services.

143 **SECTION 5.** This act shall take effect and be in force from  
144 and after July 1, 2003.

