SENATE BILL NO. 2308

AN ACT TO AMEND SECTION 97-35-27, MISSISSIPPI CODE OF 1972, TO REQUIRE A DNA SAMPLE TO BE OBTAINED FROM CERTAIN CONVICTED FELONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-35-27, Mississippi Code of 1972, is amended as follows:

97-35-27. (1) Any person who has been since January 1, 1960, or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as a felony, shall within thirty (30) days after the effective date of this chapter or within thirty (30) days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(2) Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the Identification Bureau of the Mississippi Highway Safety Patrol; (b) the fingerprints and photograph of such person; and (c) a biological sample obtained for purposes of DNA identification analysis. Within three (3) days thereafter the registering law enforcement agency shall forward such statement, fingerprints, photograph and properly preserved biological sample to the Identification Bureau of the Mississippi Highway Safety Patrol.
(3) If any person required to register hereunder changes his residence address he shall inform, in writing within ten (10) days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three (3) days after receipt of such information, forward it to the Identification Bureau of the Mississippi Highway Safety Patrol. The Identification Bureau of the Mississippi Highway Safety Patrol shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(4) Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding One Hundred Dollars ($100.00), or both.

(5) The statements, photographs, fingerprints and DNA identification information herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

(6) A biological sample shall be obtained from every individual in the custody of the Mississippi Department of Corrections for purposes of DNA identification analysis before release from or transfer to a state correctional facility or county jail or other detention facility, and the court and the department shall be responsible for informing such individuals of the duty to register imposed by this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2004.