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To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1340

1 AN ACT TO CREATE SECTION 45-33-32, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE SEX OFFENDERS WHO VOLUNTEER WITH VOLUNTEER  
3 ORGANIZATIONS WHO HAVE CONTACT WITH MINORS TO DISCLOSE SUCH SEX  
4 OFFENDER INFORMATION AND OTHER INFORMATION TO THE ORGANIZATION; TO  
5 AMEND SECTIONS 45-33-33, 45-33-35 AND 45-33-41, MISSISSIPPI CODE  
6 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section  
9 45-33-32, Mississippi Code of 1972:

10 45-33-32. (1) A person convicted of a sex offense or  
11 offense against a minor, who volunteers for an organization in  
12 which volunteers have direct, private and unsupervised contact  
13 with minors, shall notify the organization of their conviction at  
14 the time of volunteering. Such notification must be in writing to  
15 the organization.

16 (2) If the organization, after notification by the offender  
17 as provided in subsection (1), accepts the offender as a  
18 volunteer, the organization must notify the parents or guardians  
19 of any minors involved in the organization of the offender's  
20 criminal record.

21 (3) This act applies to all registered sex offenders and  
22 persons convicted of offenses against minors regardless of the  
23 date of conviction.

24 (4) Previously registered sex offenders shall be notified of  
25 their duty under this section with the first reregistration form  
26 to be sent to them after July 1, 2004.

27 (5) If the registered sex offender is currently volunteering  
28 for such an organization, they must resign or notify the

29 organization within ten (10) days of receipt of notice or be  
30 subject to the penalties of this chapter.

31 **SECTION 2.** Section 45-33-33, Mississippi Code of 1972, is  
32 amended as follows:

33 45-33-33. (1) The failure of an offender to provide any  
34 registration or other information, including, but not limited to,  
35 initial registration, reregistration or change of address  
36 information, or required notification of a volunteer organization,  
37 as required by this chapter, is a violation of the law.

38 Additionally, forgery of information or submission of information  
39 under false pretenses is also a violation of the law.

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

45 (3) Whenever it appears that an offender has failed to  
46 comply with the duty to register or reregister, the department  
47 shall promptly notify the sheriff of the county of the last known  
48 address of the offender. Upon notification, the sheriff shall  
49 attempt to locate the offender at his last known address.

50 (a) If the sheriff locates the offender he shall  
51 enforce the provisions of this chapter. The sheriff shall then  
52 notify the department with the current information regarding the  
53 offender.

54 (b) If the sheriff is unable to locate the offender,  
55 the sheriff shall promptly notify the department and initiate a  
56 criminal prosecution against the offender for the failure to  
57 register or reregister. The sheriff shall make the appropriate  
58 transactions into the Federal Bureau of Investigation's  
59 wanted-person database.

60 (4) A first violation of this chapter may result in the  
61 arrest of the offender. Upon any second or subsequent violation

62 of this chapter, the offender shall be arrested for such  
63 violation.

64 (5) Any prosecution for a violation of this section shall be  
65 brought by a prosecutor in the county of such violation.

66 **SECTION 3.** Section 45-33-35, Mississippi Code of 1972, is  
67 amended as follows:

68 45-33-35. (1) The Mississippi Department of Public Safety  
69 shall maintain a central registry of sex offender information as  
70 defined in Section 45-33-25 and shall adopt rules and regulations  
71 necessary to carry out this section. The responsible agencies  
72 shall provide the information required in Section 45-33-25 on a  
73 form developed by the department to ensure accurate information is  
74 maintained.

75 (2) Upon conviction, adjudication or acquittal by reason of  
76 insanity of any sex offender, if the sex offender is not  
77 immediately confined or not sentenced to a term of imprisonment,  
78 the clerk of the court which convicted and sentenced the sex  
79 offender shall inform the person of the duty to register and shall  
80 perform the registration duties as described in Section 45-33-23  
81 and forward the information to the department.

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

87 (4) Upon release from confinement in a mental institution  
88 following an acquittal by reason of insanity, the director of the  
89 facility shall inform the offender of the duty to register and  
90 shall notify the Department of Public Safety of the offender's  
91 release.

92 (5) Upon release from a youthful offender facility, the  
93 director of the facility shall inform the person of the duty to  
94 register and shall perform the registration duties as described in

95 Section 45-33-23 and forward the information to the Department of  
96 Public Safety.

97 (6) In addition to performing the registration duties, the  
98 responsible agency shall:

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

100 (i) The person shall report in writing any change  
101 of address to the department ten (10) days before changing  
102 address.

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

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

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

112 (v) Any change in status of a registrant's  
113 enrollment, employment or vocation at any institution of higher  
114 learning shall be reported to the department in writing within ten  
115 (10) days of the change.

116 (vi) If the person has been convicted of a sexual  
117 offense or offense against a minor, the person shall notify any  
118 organization for which the person volunteers in which volunteers  
119 have direct, private or unsupervised contact with minors that the  
120 person has been convicted of a sexual offense or an offense  
121 against a minor as provided in subsection (1) of Section (1) of  
122 this act.

123 (b) Require the person to read and sign a form stating  
124 that the duty of the person to register under this chapter has  
125 been explained.

126 (c) Obtain or facilitate the obtaining of a biological  
127 sample from every registrant as required by this chapter if such

128 biological sample has not already been provided to the Mississippi  
129 Crime Lab.

130 **SECTION 4.** Section 45-33-41, Mississippi Code of 1972, is  
131 amended as follows:

132 45-33-41. (1) The Department of Corrections or any person  
133 having charge of a county or municipal jail or any juvenile  
134 detention facility shall provide written notification to an inmate  
135 or offender in the custody of the jail or other facility due to a  
136 conviction of or adjudication for a sex offense of the  
137 registration requirements of Sections 45-33-25, 45-33-31 and  
138 45-33-32 at the time of the inmate's or offender's confinement and  
139 release from confinement and shall receive a signed acknowledgment  
140 of receipt on both occasions.

141 (2) At least ten (10) days prior to the inmate's release  
142 from confinement, the Department of Corrections shall notify the  
143 victim of the offense or a designee of the immediate family of the  
144 victim regarding the date when the offender's release shall occur,  
145 provided a current address of the victim or designated family  
146 member has been furnished in writing to the Director of Records  
147 for such purpose.

148 **SECTION 5.** This act shall take effect and be in force from  
149 and after July 1, 2004.