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To: Judiciary B

HOUSE BILL NO. 1340  
(As Sent to Governor)

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 who  
11 volunteers for an organization in which volunteers have direct,  
12 private and unsupervised contact with minors shall notify the  
13 organization of the person's conviction at the time of  
14 volunteering. Such notification must be in writing to the  
15 organization. Any organization which accepts volunteers must  
16 notify volunteers of this disclosure requirement upon application  
17 of the volunteer to serve or prior to acceptance of any of the  
18 volunteer's service, whichever occurs first.

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

24 (3) This act applies to all registered sex offenders  
25 regardless of the date of conviction.

26 (4) Any person previously registered as a sex offender and  
27 who has a continuing obligation to be registered as a sex offender  
28 shall be notified of the person's duty under this section with the

29 first reregistration form to be sent to the person after July 1,  
30 2004.

31 (5) If the registered sex offender is currently volunteering  
32 for such an organization, the sex offender must resign or notify  
33 the organization immediately upon receipt of notice or be subject  
34 to the penalties of this chapter.

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

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

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

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

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

54 (a) If the sheriff locates the offender, he shall  
55 enforce the provisions of this chapter. The sheriff shall then  
56 notify the department with the current information regarding the  
57 offender.

58 (b) If the sheriff is unable to locate the offender,  
59 the sheriff shall promptly notify the department and initiate a  
60 criminal prosecution against the offender for the failure to  
61 register or reregister. The sheriff shall make the appropriate

62 transactions into the Federal Bureau of Investigation's  
63 wanted-person database.

64 (4) A first violation of this chapter may result in the  
65 arrest of the offender. Upon any second or subsequent violation  
66 of this chapter, the offender shall be arrested for such  
67 violation.

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

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

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

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

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

91 (4) Upon release from confinement in a mental institution  
92 following an acquittal by reason of insanity, the director of the  
93 facility shall inform the offender of the duty to register and

94 shall notify the Department of Public Safety of the offender's  
95 release.

96 (5) Upon release from a youthful offender facility, the  
97 director of the facility shall inform the person of the duty to  
98 register and shall perform the registration duties as described in  
99 Section 45-33-23 and forward the information to the Department of  
100 Public Safety.

101 (6) In addition to performing the registration duties, the  
102 responsible agency shall:

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

104 (i) The person shall report in writing any change  
105 of address to the department ten (10) days before changing  
106 address.

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

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

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

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

120 (vi) If the person has been convicted of a sex  
121 offense, the person shall notify any organization for which the  
122 person volunteers in which volunteers have direct, private or  
123 unsupervised contact with minors that the person has been  
124 convicted of a sex offense as provided in Section 45-33-32(1).

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

128           (c) Obtain or facilitate the obtaining of a biological  
129 sample from every registrant as required by this chapter if such  
130 biological sample has not already been provided to the Mississippi  
131 Crime Lab.

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

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

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

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