

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2404

BY: Senator(s) Chamberlin

1 **AMEND by inserting after line 195 the following:**

2 **SECTION *.** Section 45-33-23, Mississippi Code of 1972, is
3 amended as follows:

4 45-33-23. For the purposes of this chapter, the following
5 words shall have the meanings ascribed herein unless the context
6 clearly requires otherwise:

7 (a) "Conviction" shall mean that, regarding the
8 person's offense, there has been a determination or judgment of
9 guilt as a result of a trial or the entry of a plea of guilty or
10 nolo contendere regardless of whether adjudication is withheld.
11 "Conviction of similar offenses" includes, but is not limited to,
12 a conviction by a federal or military tribunal, including a court
13 martial conducted by the Armed Forces of the United States, a
14 conviction for an offense committed on an Indian Reservation or
15 other federal property, and a conviction in any state of the
16 United States.

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

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

22 (d) "Registration" means providing information to the
23 appropriate agency within the time frame specified as required by
24 this chapter.

25 (e) "Registration duties" means obtaining the
26 registration information required on the form specified by the
27 department as well as the photograph, fingerprints, and biological
28 sample of the registrant. Biological samples are to be forwarded
29 to the State Crime Laboratory pursuant to Section 45-33-37; the
30 photograph, fingerprints and other registration information are to
31 be forwarded to the Department of Public Safety within three (3)
32 days of registration.

33 (f) "Responsible agency" is defined as the person or
34 government entity whose duty it is to obtain information from a
35 criminal sex offender upon conviction and to transmit that
36 information to the Mississippi Department of Public Safety.

37 (i) For a criminal sex offender being released
38 from the custody of the Department of Corrections, the responsible
39 agency is the Department of Corrections.

40 (ii) For a criminal sex offender being released
41 from a county jail, the responsible agency is the sheriff of that
42 county.

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

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

48 (v) For a criminal sex offender who is being
49 placed on probation, including conditional discharge or
50 unconditional discharge, without any sentence of incarceration,
51 the responsible agency is the sentencing court.

52 (vi) For an offender who has been committed to a
53 mental institution following an acquittal by reason of insanity,

54 the responsible agency is the facility from which the offender is
55 released. Specifically, the director of said facility shall
56 notify the Department of Public Safety prior to the offender's
57 release.

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

62 (g) "Sex offense" means any of the following offenses:

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

65 (ii) Section 97-3-65 relating to rape; however,
66 conviction or adjudication under Section 97-3-65(1)(a) on or after
67 July 1, 1998, when the offender was eighteen (18) years of age or
68 younger at the time of the alleged offense, shall not be a
69 registrable sex offense;

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

72 (iv) Section 97-3-95 relating to sexual battery;
73 however, conviction or adjudication under Section 97-3-95(1)(c) on
74 or after July 1, 1998, when the offender was eighteen (18) years
75 of age or younger at the time of the alleged offense, shall not be
76 a registrable sex offense;

77 (v) Section 97-5-5 relating to enticing child for
78 concealment, prostitution or marriage;

79 (vi) Section 97-5-23 relating to the touching of a
80 child for lustful purposes;

81 (vii) Section 97-5-27 relating to the
82 dissemination of sexually oriented material to children;

83 (viii) Section 97-5-33 relating to the
84 exploitation of children;

85 (ix) Section 97-5-41 relating to the carnal
86 knowledge of a stepchild, adopted child or child of a cohabiting
87 partner;

88 (x) Section 97-29-59 relating to unnatural
89 intercourse;

90 (xi) Section 97-1-7 relating to attempt to commit
91 any of the above-referenced offenses;

92 (xii) Section 97-29-3 relating to adultery or
93 fornication between teacher and pupil;

94 (xiii) Section 43-47-18 relating to sexual abuse
95 of a vulnerable adult;

96 (xiv) Any other offense resulting in a conviction
97 in another jurisdiction, whether state, federal or military,
98 which, if committed in this state, would be deemed to be such a
99 crime without regard to its designation elsewhere;

100 (xv) Any offense resulting in a conviction in
101 another jurisdiction, whether state, federal or military, for
102 which registration is required in the jurisdiction where the
103 conviction was had.

104 (h) "Temporary residence" is defined as a place where
105 the person abides, lodges, or resides for a period of fourteen
106 (14) or more days in the aggregate during any calendar year and
107 which is not the person's permanent address; for a person whose
108 permanent residence is not in this state, the place where the
109 person is employed, practices a vocation, or is enrolled as a
110 student for any period of time in the state; or a place where a
111 person routinely abides, lodges or resides for a period of four
112 (4) or more consecutive or nonconsecutive days in any month and
113 which is not the person's permanent residence.

114 (i) "Department" unless otherwise specified is defined
115 as the Mississippi Department of Public Safety.

116 **FURTHER amend the title on line 9 by inserting after the**
117 **semicolon thereon the following:**

118 TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO INCLUDE
119 SEXUAL ABUSE OF A VULNERABLE ADULT AS A REGISTRABLE OFFENSE UNDER
120 THE SEX OFFENDER REGISTRATION LAW;