

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 1034

1 AN ACT TO AMEND SECTIONS 45-33-27, 45-33-29, 45-33-31,
2 45-33-33 AND 45-33-35, MISSISSIPPI CODE OF 1972, TO REQUIRE SEX
3 OFFENDERS WHO ARE SUBJECT TO THE SEX OFFENDER REGISTRATION
4 REQUIREMENTS TO FULFILL ALL REGISTRATION, REREGISTRATION, AND
5 UPDATE OR VERIFICATION REQUIREMENTS BY PERSONALLY APPEARING AT A
6 DEPARTMENT OF PUBLIC SAFETY DRIVER'S LICENSE STATION; TO AMEND
7 SECTION 45-33-57, MISSISSIPPI CODE OF 1972, TO ALLOW IMPOSITION OF
8 FEES TO BE ASSESSED AGAINST OFFENDERS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 45-33-27, Mississippi Code of 1972, is
11 amended as follows:

12 45-33-27. (1) A person required to register on the basis of
13 a conviction, adjudication of delinquency or acquittal by reason
14 of insanity entered shall register by appearing in person at a
15 Department of Public Safety Driver's License Station within three
16 (3) days of the date of judgment unless the person is immediately
17 confined or committed, in which case the person shall register
18 when released in accordance with the procedures established by the
19 department.

20 (2) If a person who is required to register under this
21 section is released from prison or placed on parole or supervised
22 release, the Department of Corrections shall perform the
23 registration duties at the time of release and forward the
24 registration information to the Department of Public Safety within
25 ten (10) days. The person is also required to personally appear
26 at a Department of Public Safety Driver's License Station within
27 ten (10) days of release.

28 (3) If a person required to register under this section is
29 placed on probation, the court, at the time of entering the order,
30 shall inform the person of the duty to register, obtain the

31 registration information and forward the registration information
32 to the Department of Public Safety within ten (10) days. The
33 person is also required to personally appear at a Department of
34 Public Safety Driver's License Station within ten (10) days of the
35 entry of the order.

36 (4) Any person required to register who is neither
37 incarcerated, detained nor committed at the time the requirement
38 to register shall attach shall present himself to the county
39 sheriff who shall perform the registration duties and forward the
40 registration information to the Department of Public Safety within
41 ten (10) days. The person is also required to personally appear
42 at a Department of Public Safety Driver's License Station within
43 ten (10) days of the time the requirement to register attaches.

44 (5) An offender moving to or returning to this state from
45 another jurisdiction shall notify the Department of Public Safety
46 ten (10) days before the person first resides in or returns to a
47 county in this state and shall register with the department within
48 ten (10) days of first residing in or returning to a county of
49 this state. The offender must then present himself to the sheriff
50 of the county in which he intends to reside to provide the
51 required registration information. The person is also required to
52 personally appear at a Department of Public Safety Driver's
53 License Station within ten (10) days of first residing in or
54 moving to a county of this state.

55 (6) A person, other than a person confined in a correctional
56 or juvenile detention facility or involuntarily committed on the
57 basis of mental illness, who is required to register on the basis
58 of a sex offense for which a conviction, adjudication of
59 delinquency or acquittal by reason of insanity was entered prior
60 to July 1, 1995, shall register with the sheriff of the county in
61 which he resides no later than August 15, 2000.

62 **SECTION 2.** Section 45-33-29, Mississippi Code of 1972, is
63 amended as follows:

45-33-29. (1) Upon any change of address, an offender required to register under this chapter is required to personally appear at a Department of Public Safety Driver's License Station not less than ten (10) days before he intends to first reside at the new address.

(2) Upon any change in the status of a registrant's employment or vocation at any institution of higher learning, the offender is required to personally appear at a Department of Public Safety Driver's License Station within ten (10) days of the change.

SECTION 3. Section 45-33-31, Mississippi Code of 1972, is amended as follows:

45-33-31. All registrants are required to personally appear at a Department of Public Safety Driver's License Station to reregister every ninety (90) days. Reregistration includes the submission of current information to the department and the verification of registration information, including the street address and telephone number of the registrant; name, social security number, street address and telephone number of the registrant's employment along with any other registration information that may need to be verified and the payment of any required fees. A person who fails to reregister as required by this section commits a violation of this chapter.

* * *

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

45-33-33. (1) The failure of an offender to personally appear at a Department of Public Safety Driver's License Station or to provide any registration or other information, including, but not limited to, initial registration, reregistration or change of address information, or required notification to a volunteer organization, as required by this chapter, is a violation of the

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

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

103 (3) Whenever it appears that an offender has failed to
104 comply with the duty to register or reregister, the department
105 shall promptly notify the sheriff of the county of the last known
106 address of the offender. Upon notification, the sheriff shall
107 attempt to locate the offender at his last known address.

108 (a) If the sheriff locates the offender, he shall
109 enforce the provisions of this chapter. The sheriff shall then
110 notify the department with the current information regarding the
111 offender.

112 (b) If the sheriff is unable to locate the offender,
113 the sheriff shall promptly notify the department and initiate a
114 criminal prosecution against the offender for the failure to
115 register or reregister. The sheriff shall make the appropriate
116 transactions into the Federal Bureau of Investigation's
117 wanted-person database.

118 (4) A first violation of this chapter may result in the
119 arrest of the offender. Upon any second or subsequent violation
120 of this chapter, the offender shall be arrested for such
121 violation.

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

124 (6) The Commissioner of Public Safety or his authorized
125 agent shall suspend the driver's license of any offender failing
126 to comply with the duty to report, register or reregister.

127 **SECTION 5.** Section 45-33-35, Mississippi Code of 1972, is
128 amended as follows:

129 45-33-35. (1) The Mississippi Department of Public Safety
130 shall maintain a central registry of sex offender information as
131 defined in Section 45-33-25 and shall adopt rules and regulations
132 necessary to carry out this section. The responsible agencies
133 shall provide the information required in Section 45-33-25 on a
134 form developed by the department to ensure accurate information is
135 maintained.

136 (2) Upon conviction, adjudication or acquittal by reason of
137 insanity of any sex offender, if the sex offender is not
138 immediately confined or not sentenced to a term of imprisonment,
139 the clerk of the court which convicted and sentenced the sex
140 offender shall inform the person of the duty to register,
141 including the duty to personally appear at a Department of Public
142 Safety Driver's License Station, and shall perform the
143 registration duties as described in Section 45-33-23 and forward
144 the information to the department.

145 (3) Upon release from prison, placement on parole or
146 supervised release, the Department of Corrections shall inform the
147 person of the duty to register, including the duty to personally
148 appear at a Department of Public Safety Driver's License Station,
149 and shall perform the registration duties as described in Section
150 45-33-23 and forward the information to the Department of Public
151 Safety.

152 (4) Upon release from confinement in a mental institution
153 following an acquittal by reason of insanity, the director of the
154 facility shall inform the offender of the duty to register,
155 including the duty to personally appear at a Department of Public
156 Safety Driver's License Station, and shall notify the Department
157 of Public Safety of the offender's release.

158 (5) Upon release from a youthful offender facility, the
159 director of the facility shall inform the person of the duty to
160 register, including the duty to personally appear at a Department
161 of Public Safety Driver's License Station, and shall perform the

162 registration duties as described in Section 45-33-23 and forward
163 the information to the Department of Public Safety.

164 (6) In addition to performing the registration duties, the
165 responsible agency shall:

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

167 (i) The person is required to personally appear at
168 a Department of Public Safety Driver's License Station at least
169 ten (10) days before changing address.

170 (ii) Any change of address to another state shall
171 be reported to the department by personally appearing at a
172 Department of Public Safety Driver's License Station not less than
173 ten (10) days before the change of address. The offender shall
174 comply with any registration requirement in the new state.

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

178 (iv) All address verifications must be returned to
179 the department by personally appearing at a Department of Public
180 Safety Driver's License Station within the required time period.

181 (v) Any verification of change in status of a
182 registrant's enrollment, employment or vocation at any institution
183 of higher learning shall be reported to the department by
184 personally appearing at a Department of Public Safety Driver's
185 License Station within ten (10) days of the change.

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

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

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

198 **SECTION 6.** Section 45-33-57, Mississippi Code of 1972, is
199 amended as follows:

200 45-33-57. (1) The Department of Public Safety may adopt
201 regulations to establish fees to be charged for information
202 requests.

203 (2) The Department of Public Safety may adopt regulations to
204 establish fees to be charged to registrants for registration,
205 reregistration, and verification or change of address.

206 **SECTION 7.** This act shall take effect and be in force from
207 and after July 1, 2005.