

By: Representative McBride

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
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 (7) Every person required to register shall show proof of  
63 domicile in this state. The commissioner shall promulgate any

64 rules and regulations necessary to enforce this requirement and  
65 shall prescribe the means by which such person may show domicile  
66 in this state.

67 (8) Any driver's license photograph, I.D. photograph, sex  
68 offender photograph, finger print, driver's license application  
69 and/or anything submitted to the Department of Public Safety by a  
70 known convicted sex offender, registered or not registered, can be  
71 used by the Department of Public Safety or any other authorized  
72 law enforcement agency for any means necessary in registration,  
73 identification, investigation regarding their tracking or  
74 identification.

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

77 45-33-29. (1) Upon any change of address, an offender  
78 required to register under this chapter is required to personally  
79 appear at a Department of Public Safety Driver's License Station  
80 not less than ten (10) days before he intends to first reside at  
81 the new address.

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

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

89 45-33-31. All registrants are required to personally appear  
90 at a Department of Public Safety Driver's License Station to  
91 reregister every ninety (90) days. Reregistration includes the  
92 submission of current information to the department and the  
93 verification of registration information, including the street  
94 address and telephone number of the registrant; name, social  
95 security number, street address and telephone number of the  
96 registrant's employment along with any other registration

97 information that may need to be verified and the payment of any  
98 required fees. A person who fails to reregister as required by  
99 this section commits a violation of this chapter.

100 \* \* \*

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

103 45-33-33. (1) The failure of an offender to personally  
104 appear at a Department of Public Safety Driver's License Station  
105 or to provide any registration or other information, including,  
106 but not limited to, initial registration, reregistration or change  
107 of address information, or required notification to a volunteer  
108 organization, as required by this chapter, is a violation of the  
109 law. Additionally, forgery of information or submission of  
110 information under false pretenses is also a violation of the law.

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

116 (3) Whenever it appears that an offender has failed to  
117 comply with the duty to register or reregister, the department  
118 shall promptly notify the sheriff of the county of the last known  
119 address of the offender. Upon notification, the sheriff shall  
120 attempt to locate the offender at his last known address.

121 (a) If the sheriff locates the offender, he shall  
122 enforce the provisions of this chapter. The sheriff shall then  
123 notify the department with the current information regarding the  
124 offender.

125 (b) If the sheriff is unable to locate the offender,  
126 the sheriff shall promptly notify the department and initiate a  
127 criminal prosecution against the offender for the failure to  
128 register or reregister. The sheriff shall make the appropriate

129 transactions into the Federal Bureau of Investigation's  
130 wanted-person database.

131 (4) A first violation of this chapter may result in the  
132 arrest of the offender. Upon any second or subsequent violation  
133 of this chapter, the offender shall be arrested for such  
134 violation.

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

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

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

142 45-33-35. (1) The Mississippi Department of Public Safety  
143 shall maintain a central registry of sex offender information as  
144 defined in Section 45-33-25 and shall adopt rules and regulations  
145 necessary to carry out this section. The responsible agencies  
146 shall provide the information required in Section 45-33-25 on a  
147 form developed by the department to ensure accurate information is  
148 maintained.

149 (2) Upon conviction, adjudication or acquittal by reason of  
150 insanity of any sex offender, if the sex offender is not  
151 immediately confined or not sentenced to a term of imprisonment,  
152 the clerk of the court which convicted and sentenced the sex  
153 offender shall inform the person of the duty to register,  
154 including the duty to personally appear at a Department of Public  
155 Safety Driver's License Station, and shall perform the  
156 registration duties as described in Section 45-33-23 and forward  
157 the information to the department.

158 (3) Upon release from prison, placement on parole or  
159 supervised release, the Department of Corrections shall inform the  
160 person of the duty to register, including the duty to personally  
161 appear at a Department of Public Safety Driver's License Station,

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

165 (4) Upon release from confinement in a mental institution  
166 following an acquittal by reason of insanity, the director of the  
167 facility shall inform the offender of the duty to register,  
168 including the duty to personally appear at a Department of Public  
169 Safety Driver's License Station, and shall notify the Department  
170 of Public Safety of the offender's release.

171 (5) Upon release from a youthful offender facility, the  
172 director of the facility shall inform the person of the duty to  
173 register, including the duty to personally appear at a Department  
174 of Public Safety Driver's License Station, and shall perform the  
175 registration duties as described in Section 45-33-23 and forward  
176 the information to the Department of Public Safety.

177 (6) In addition to performing the registration duties, the  
178 responsible agency shall:

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

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

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

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

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

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

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

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

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

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

213           45-33-57. (1) The Department of Public Safety may adopt  
214 regulations to establish fees to be charged for information  
215 requests.

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

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