

By: Senator(s) Albritton, Jackson (15th),
Flowers

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2255

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:

64 45-33-29. (1) Upon any change of address, an offender
65 required to register under this chapter is required to personally
66 appear at a Department of Public Safety Driver's License Station
67 not less than ten (10) days before he intends to first reside at
68 the new address.

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

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

76 45-33-31. All registrants are required to personally appear
77 at a Department of Public Safety Driver's License Station to
78 reregister every ninety (90) days. Reregistration includes the
79 submission of current information to the department and the
80 verification of registration information, including the street
81 address and telephone number of the registrant; name, street
82 address and telephone number of the registrant's employment along
83 with any other registration information that may need to be
84 verified. A person who fails to reregister as required by this
85 section commits a violation of this chapter.

86 * * *

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

89 45-33-33. (1) The failure of an offender to personally
90 appear at a Department of Public Safety Driver's License Station
91 or to provide any registration or other information, including,
92 but not limited to, initial registration, reregistration or change
93 of address information, or required notification to a volunteer
94 organization, as required by this chapter, is a violation of the
95 law. Additionally, forgery of information or submission of
96 information under false pretenses is also a violation of the law.

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

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

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

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

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

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

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

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

128 45-33-35. (1) The Mississippi Department of Public Safety
129 shall maintain a central registry of sex offender information as

130 defined in Section 45-33-25 and shall adopt rules and regulations
131 necessary to carry out this section. The responsible agencies
132 shall provide the information required in Section 45-33-25 on a
133 form developed by the department to ensure accurate information is
134 maintained.

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

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

151 (4) Upon release from confinement in a mental institution
152 following an acquittal by reason of insanity, the director of the
153 facility shall inform the offender 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 notify the Department
156 of Public Safety of the offender's release.

157 (5) Upon release from a youthful offender facility, the
158 director of the facility shall inform the person of the duty to
159 register, including the duty to personally appear at a Department
160 of Public Safety Driver's License Station, and shall perform the
161 registration duties as described in Section 45-33-23 and forward
162 the information to the Department of Public Safety.

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

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

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

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

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

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

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

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

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

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

195 biological sample has not already been provided to the Mississippi
196 Crime Lab.

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

199 45-33-57. (1) The Department of Public Safety may adopt
200 regulations to establish fees to be charged for information
201 requests.

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

205 (3) The Department of Public Safety may adopt regulations to
206 provide what documentation may be required of registrants for any
207 purpose necessary under this chapter. The documentation may
208 include, but is not limited to, proof of domicile.

209 (4) The Department of Public Safety shall adopt regulations
210 prescribing what sources of identification of registrants may be
211 used by the sex offender registry, including, without limitation,
212 any photograph or fingerprint submitted for any purpose to or in
213 the possession of the department or any other law enforcement
214 agency.

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