

By: Senator(s) Albritton

To: Judiciary, Division B

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