

By: Representatives Mims, Lott

To: Judiciary B

HOUSE BILL NO. 374

1 AN ACT TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FAILURE TO REGISTER AS A SEX OFFENDER SHALL BE A
3 FELONY; TO AMEND SECTION 97-21-33, MISSISSIPPI CODE OF 1972, IN
4 CONFORMITY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 45-33-33, Mississippi Code of 1972, is
7 amended as follows:

8 45-33-33. (1) The failure of an offender to personally
9 appear at a Department of Public Safety Driver's License Station
10 or to provide any registration or other information, including,
11 but not limited to, initial registration, reregistration or change
12 of address information, or required notification to a volunteer
13 organization, as required by this chapter, is a felony violation
14 of the law punishable as provided in subsection (2) of this
15 section. Additionally, forgery of information or submission of
16 information under false pretenses is also a felony violation of
17 the law punishable as provided in subsection (2) of this section.

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

23 (3) Whenever it appears that an offender has failed to
24 comply with the duty to register or reregister, the department
25 shall promptly notify the sheriff of the county of the last known
26 address of the offender. Upon notification, the sheriff shall
27 attempt to locate the offender at his last known address.

28 (a) If the sheriff locates the offender, he shall
29 enforce the provisions of this chapter. The sheriff shall then
30 notify the department with the current information regarding the
31 offender.

32 (b) If the sheriff is unable to locate the offender,
33 the sheriff shall promptly notify the department and initiate a
34 criminal prosecution against the offender for the failure to
35 register or reregister. The sheriff shall make the appropriate
36 transactions into the Federal Bureau of Investigation's
37 wanted-person database.

38 (4) A * * * violation of this chapter shall result in the
39 arrest of the offender. * * *

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

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

45 **SECTION 2.** Section 97-21-33, Mississippi Code of 1972, is
46 amended as follows:

47 97-21-33. Except as provided in Section 45-33-33, persons
48 convicted of forgery shall be punished by imprisonment in the
49 Penitentiary for a term of not less than two (2) years nor more
50 than ten (10) years, or by a fine of not more than Ten Thousand
51 Dollars (\$10,000.00), or both; provided, however, that when the
52 amount of value involved is less than Five Hundred Dollars
53 (\$500.00) in lieu of the punishment above provided for, the person
54 convicted may be punished by imprisonment in the county jail for a
55 term of not more than six (6) months, or by a fine of not more
56 than One Thousand Dollars (\$1,000.00), or both, within the
57 discretion of the court.

58 **SECTION 3.** This act shall take effect and be in force from
59 and after its passage.