

By: Representative Mayo

To: Judiciary B

HOUSE BILL NO. 1210

1 AN ACT TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY WHEN SEX OFFENDERS' NAMES CAN BE REMOVED FROM THE STATE
3 REGISTRY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-33-47, Mississippi Code of 1972, is
6 amended as follows:

7 45-33-47. (1) A sex offender with a duty to register under
8 Section 45-33-25 shall only be relieved of the duty under
9 subsection (2) of this section.

10 (2) A person having a duty to register under Section
11 45-33-25 may petition the circuit court of the sentencing
12 jurisdiction to be relieved of that duty under the following
13 conditions:

14 (a) The offender has maintained his registration in
15 Mississippi for not less than ten (10) years from the most recent
16 date of occurrence of at least one (1) of the following: release
17 from prison, placement on parole, supervised release or probation.
18 Incarceration for any offense will restart the ten-year minimum
19 registration requirement. Registration in any other jurisdiction
20 or state does not reduce the ten-year time requirement for
21 maintaining registration in Mississippi.

22 (b) If the offender has been convicted of one (1) of
23 the following offenses, the offender is subject to lifetime
24 registration and shall not be relieved of the duty to register:

25 (i) Section 97-3-65 relating to rape;

26 (ii) Section 97-3-71 relating to rape and assault
27 with intent to ravish;

28 (iii) Section 97-3-95 relating to sexual battery;

29 (iv) Subsection (1) or (2) of Section 97-5-33
30 relating to the exploitation of children;

31 (v) Section 97-5-41 relating to the carnal
32 knowledge of a stepchild, adopted child or child of a cohabiting
33 partner; or

34 (vi) Any conviction for violation of a similar law
35 of another jurisdiction.

36 (c) An offender who has two (2) separate convictions
37 for any of the offenses described in Section 45-33-23 is subject
38 to lifetime registration and shall not be eligible to petition to
39 be relieved of the duty to register as long as at least one (1) of
40 the convictions was entered on or after July 1, 1995.

41 (d) An offender who resides in Mississippi and who has
42 been designated a sexual predator, a sexually violent predator or
43 a similar designation in another state, is subject to lifetime
44 registration and shall not be eligible to petition to be relieved
45 of the duty to register.

46 (e) An offender twice adjudicated delinquent in a youth
47 court for the crime of rape pursuant to Section 96-3-65 or sexual
48 battery pursuant to Section 97-3-95 is subject to lifetime
49 registration and shall not be eligible to petition to be relieved
50 of the duty to register.

51 (f) The department shall continue listing on the
52 registry the name and information of all offenders convicted in
53 Mississippi who no longer work, reside or attend school in the
54 state even after moving to another state and registering as
55 required by law. The registry shall note that the offender moved
56 out of state.

57 (3) In determining whether to release an offender from the
58 obligation to register, the court shall consider the nature of the
59 registrable offense committed and the criminal and relevant
60 noncriminal behavior of the petitioner both before and after

61 conviction. The court may relieve the offender of the duty to
62 register only if the petitioner shows, by clear and convincing
63 evidence, that the registrant properly maintained his registration
64 as required by law and that future registration of the petitioner
65 will not serve the purposes of this chapter.

66 (4) The offender will be required to continue registration
67 for any sex offense conviction unless the conviction is set aside
68 in any post-conviction proceeding or the offender receives a
69 pardon * * *. Upon submission of the appropriate documentation to
70 the department of one (1) of these occurrences, registration
71 duties will be discontinued.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2006.