

By: Senator(s) Doxey

To: Judiciary, Division B

SENATE BILL NO. 2368

1 AN ACT TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE LIFETIME REGISTRATION REQUIREMENT UNDER THE SEX
3 OFFENDER REGISTRATION LAW FOR A JUVENILE ADJUDICATED DELINQUENT
4 FOR RAPE; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

- 26 (i) Section 97-3-65 relating to rape;
- 27 (ii) Section 97-3-71 relating to rape and assault
- 28 with intent to ravish;

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

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

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

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

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

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

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

52 (3) In determining whether to release an offender from the
53 obligation to register, the court shall consider the nature of the
54 registrable offense committed and the criminal and relevant
55 noncriminal behavior of the petitioner both before and after
56 conviction. The court may relieve the offender of the duty to
57 register only if the petitioner shows, by clear and convincing
58 evidence, that the registrant properly maintained his registration
59 as required by law and that future registration of the petitioner
60 will not serve the purposes of this chapter.

61 (4) The offender will be required to continue registration
62 for any sex offense conviction unless the conviction is set aside
63 in any post-conviction proceeding, the offender receives a pardon,
64 or the charge is dismissed. Upon submission of the appropriate
65 documentation to the department of one (1) of these occurrences,
66 registration duties will be discontinued.

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