

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2373

1 AN ACT TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE FIRST-TIME JUVENILE SEX OFFENDERS TO REGISTER WITH THE
3 DEPARTMENT OF PUBLIC SAFETY SEX OFFENDER REGISTER; TO AMEND
4 SECTION 43-21-255, MISSISSIPPI CODE OF 1972, TO MAKE PUBLIC THE
5 RECORDS OF ANY JUVENILE ADJUDICATED DELINQUENT FOR A SEX OFFENSE
6 UPON THE FIRST SUCH ADJUDICATION; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-33-25, Mississippi Code of 1972, is
9 amended as follows:

10 45-33-25. (1) Any person residing in this state who has
11 been convicted of any sex offense or attempted sex offense or who
12 has been acquitted by reason of insanity for any sex offense or
13 attempted sex offense or * * * adjudicated delinquent for any sex
14 offense or attempted sex offense shall register with the
15 Mississippi Department of Public Safety. Registration shall not
16 be required for an offense that is not a registrable sex offense.
17 The department shall provide the initial registration information
18 as well as every change of address to the sheriff of the county of
19 the residence address of the registrant through either written
20 notice, electronic or telephone transmissions, or online access to
21 registration information. Further, the department shall provide
22 this information to the Federal Bureau of Investigation.
23 Additionally, upon notification by the registrant that he intends
24 to reside outside the State of Mississippi, the department shall
25 notify the appropriate state law enforcement agency of any state
26 to which a registrant is moving or has moved.

27 (2) Any person required to register under this chapter shall
28 submit the following information at the time of registration:

- 29 (a) Name, including a former name which has been
30 legally changed;
- 31 (b) Street address;
- 32 (c) Place of employment;
- 33 (d) Crime for which convicted;
- 34 (e) Date and place of conviction, adjudication or
35 acquittal by reason of insanity;
- 36 (f) Aliases used;
- 37 (g) Social security number;
- 38 (h) Date and place of birth;
- 39 (i) Age, race, sex, height, weight, and hair and eye
40 colors;
- 41 (j) A brief description of the offense or offenses for
42 which the registration is required;
- 43 (k) Identifying factors;
- 44 (l) Anticipated future residence;
- 45 (m) Offense history;
- 46 (n) Photograph;
- 47 (o) Fingerprints;
- 48 (p) Documentation of any treatment received for any
49 mental abnormality or personality disorder of the person;
- 50 (q) Biological sample;
- 51 (r) Name of any institution of higher learning at which
52 the offender is employed, carries on a vocation (with or without
53 compensation) or is enrolled as a student; and
- 54 (s) Any other information deemed necessary.

55 (3) For purposes of this chapter, a person is considered to
56 be residing in this state if he maintains a permanent or temporary
57 residence as defined in Section 45-33-23, including students,
58 temporary employees and military personnel on assignment.

59 **SECTION 2.** Section 43-21-255, Mississippi Code of 1972, is
60 amended as follows:

61 43-21-255. (1) Except as otherwise provided by this
62 section, all records involving children made and retained by law
63 enforcement officers and agencies or by the youth court prosecutor
64 and the contents thereof shall be kept confidential and shall not
65 be disclosed except as provided in Section 43-21-261.

66 (2) A child in the jurisdiction of the youth court and who
67 has been taken into custody for an act, which if committed by an
68 adult would be considered a felony or offenses involving
69 possession or use of a dangerous weapon or any firearm, may be
70 photographed or fingerprinted or both. Any law enforcement agency
71 taking such photographs or fingerprints shall immediately report
72 the existence and location of the photographs and fingerprints to
73 the youth court. Copies of fingerprints known to be those of a
74 child shall be maintained on a local basis only. Such copies of
75 fingerprints may be forwarded to another local, state or federal
76 bureau of criminal identification or regional depository for
77 identification purposes only. Such copies of fingerprints shall
78 be returned promptly and shall not be maintained by such agencies.

79 (3) Any law enforcement record involving children who have
80 been taken into custody for an act, which if committed by an adult
81 would be considered a felony and/or offenses involving possession
82 or use of a dangerous weapon including photographs and
83 fingerprints, may be released to a law enforcement agency
84 supported by public funds, youth court officials and appropriate
85 school officials without a court order under Section 43-21-261.
86 Law enforcement records shall be released to youth court officials
87 and to appropriate school officials upon written request. Except
88 as provided in subsection (4) of this section, any law enforcement
89 agency releasing such records of children in the jurisdiction of
90 the youth court shall immediately report the release and location
91 of the records to the youth court. The law enforcement agencies,
92 youth court officials and school officials receiving such records
93 are prohibited from using the photographs and fingerprints for any

94 purpose other than for criminal law enforcement and juvenile law
95 enforcement. Each law enforcement officer or employee, each youth
96 court official or employee and each school official or employee
97 receiving the records shall submit to the sender a signed
98 statement acknowledging his or her duty to maintain the
99 confidentiality of the records. In no instance shall the fact
100 that such records of children in the jurisdiction of the youth
101 court exist be conveyed to any private individual, firm,
102 association or corporation or to any public or quasi-public agency
103 the duties of which do not include criminal law enforcement or
104 juvenile law enforcement.

105 (4) When a child's driver's license is suspended for refusal
106 to take a test provided under the Mississippi Implied Consent Law,
107 the law enforcement agency shall report such refusal, without a
108 court order under Section 43-21-261, to the Commissioner of Public
109 Safety in the same manner as such suspensions are reported in
110 cases involving adults.

111 (5) All records involving a child convicted as an adult or
112 who has been * * * adjudicated delinquent for a sex offense as
113 defined by Section 45-33-23, Mississippi Code of 1972, shall be
114 public and shall not be kept confidential.

115 **SECTION 3.** This act shall take effect and be in force from
116 and after July 1, 2006.