

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2736

1 AN ACT TO AMEND SECTIONS 43-21-255 AND 45-33-25, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT RECORDS OF JUVENILE SEX OFFENDERS  
3 SHALL BECOME PUBLIC IF THE CHILD VIOLATES COURT ORDERED TREATMENT;  
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 43-21-255, Mississippi Code of 1972, is  
7 amended as follows:

8 43-21-255. (1) Except as otherwise provided by this  
9 section, all records involving children made and retained by law  
10 enforcement officers and agencies or by the youth court prosecutor  
11 and the contents thereof shall be kept confidential and shall not  
12 be disclosed except as provided in Section 43-21-261.

13 (2) A child in the jurisdiction of the youth court and who  
14 has been taken into custody for an act, which if committed by an  
15 adult would be considered a felony or offenses involving  
16 possession or use of a dangerous weapon or any firearm, may be  
17 photographed or fingerprinted or both. Any law enforcement agency  
18 taking such photographs or fingerprints shall immediately report  
19 the existence and location of the photographs and fingerprints to  
20 the youth court. Copies of fingerprints known to be those of a  
21 child shall be maintained on a local basis only. Such copies of  
22 fingerprints may be forwarded to another local, state or federal  
23 bureau of criminal identification or regional depository for  
24 identification purposes only. Such copies of fingerprints shall  
25 be returned promptly and shall not be maintained by such agencies.

26 (3) Any law enforcement record involving children who have  
27 been taken into custody for an act, which if committed by an adult  
28 would be considered a felony and/or offenses involving possession

29 or use of a dangerous weapon including photographs and  
30 fingerprints, may be released to a law enforcement agency  
31 supported by public funds, youth court officials and appropriate  
32 school officials without a court order under Section 43-21-261.  
33 Law enforcement records shall be released to youth court officials  
34 and to appropriate school officials upon written request. Except  
35 as provided in subsection (4) of this section, any law enforcement  
36 agency releasing such records of children in the jurisdiction of  
37 the youth court shall immediately report the release and location  
38 of the records to the youth court. The law enforcement agencies,  
39 youth court officials and school officials receiving such records  
40 are prohibited from using the photographs and fingerprints for any  
41 purpose other than for criminal law enforcement and juvenile law  
42 enforcement. Each law enforcement officer or employee, each youth  
43 court official or employee and each school official or employee  
44 receiving the records shall submit to the sender a signed  
45 statement acknowledging his or her duty to maintain the  
46 confidentiality of the records. In no instance shall the fact  
47 that such records of children in the jurisdiction of the youth  
48 court exist be conveyed to any private individual, firm,  
49 association or corporation or to any public or quasi-public agency  
50 the duties of which do not include criminal law enforcement or  
51 juvenile law enforcement.

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

58 (5) All records involving a child convicted as an adult or  
59 who has been twice adjudicated delinquent for a sex offense as  
60 defined by Section 45-33-23, Mississippi Code of 1972, shall be  
61 public and shall not be kept confidential. Records involving a

62 child who has been once adjudicated delinquent for his first sex  
63 offense shall become public and shall no longer be confidential if  
64 the child fails to complete or otherwise violates a youth court  
65 order that he undergo residential treatment or community  
66 counseling, and the youth court in a subsequent order finds that  
67 such failure or violation of the order occurred.

68       **SECTION 2.** Section 45-33-25, Mississippi Code of 1972, is  
69 amended as follows:

70       45-33-25. (1) Any person residing in this state who has  
71 been convicted of any sex offense or attempted sex offense or who  
72 has been acquitted by reason of insanity for any sex offense or  
73 attempted sex offense, or who violates a youth court dispositional  
74 order after being adjudicated delinquent for a first sex offense  
75 as specified in Section 43-21-255(5), Mississippi Code of 1972,  
76 and any juvenile offender entering this state subject to the  
77 Interstate Compact on Juveniles (Section 43-25-1, Mississippi Code  
78 of 1972) who was adjudicated delinquent in another state for a  
79 first sex offense but did not complete residential treatment  
80 following that offense, shall register with the Mississippi  
81 Department of Public Safety. Registration shall not be required  
82 for an offense that is not a registrable sex offense. The  
83 department shall provide the initial registration information as  
84 well as every change of address to the sheriff of the county of  
85 the residence address of the registrant through either written  
86 notice, electronic or telephone transmissions, or online access to  
87 registration information. Further, the department shall provide  
88 this information to the Federal Bureau of Investigation.  
89 Additionally, upon notification by the registrant that he intends  
90 to reside outside the State of Mississippi, the department shall  
91 notify the appropriate state law enforcement agency of any state  
92 to which a registrant is moving or has moved.

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

- 95 (a) Name, including a former name which has been  
96 legally changed;
- 97 (b) Street address;
- 98 (c) Place of employment;
- 99 (d) Crime for which convicted;
- 100 (e) Date and place of conviction, adjudication or  
101 acquittal by reason of insanity;
- 102 (f) Aliases used;
- 103 (g) Social security number;
- 104 (h) Date and place of birth;
- 105 (i) Age, race, sex, height, weight, and hair and eye  
106 colors;
- 107 (j) A brief description of the offense or offenses for  
108 which the registration is required;
- 109 (k) Identifying factors;
- 110 (l) Anticipated future residence;
- 111 (m) Offense history;
- 112 (n) Photograph;
- 113 (o) Fingerprints;
- 114 (p) Documentation of any treatment received for any  
115 mental abnormality or personality disorder of the person;
- 116 (q) Biological sample;
- 117 (r) Name of any institution of higher learning at which  
118 the offender is employed, carries on a vocation (with or without  
119 compensation) or is enrolled as a student; and
- 120 (s) Any other information deemed necessary.

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

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