

By: Senator(s) Horhn

To: Judiciary, Division B

SENATE BILL NO. 2845

1 AN ACT TO CREATE SECTION 45-33-28, MISSISSIPPI CODE OF 1972,
2 TO RESTRICT SEX OFFENDERS FROM LIVING WITHIN A CERTAIN DISTANCE OF
3 SCHOOLS AND CHILD CARE FACILITIES; TO ENACT EXCEPTIONS; TO SPECIFY
4 PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section

7 45-33-28, Mississippi Code of 1972:

8 45-33-28. (1) A person required to register under this
9 chapter shall not reside within two thousand five hundred (2,500)
10 feet of the real property comprising a public or nonpublic
11 elementary or secondary school or a child care facility.

12 (2) (a) A person residing within two thousand five hundred
13 (2,500) feet of the real property comprising a public or nonpublic
14 elementary or secondary school or a child care facility does not
15 commit a violation of this section if any of the following apply:

16 (i) The person is required to serve a sentence at
17 a jail, prison, juvenile facility or other correctional
18 institution or facility.

19 (ii) The person is subject to an order of
20 commitment under Title 41, Mississippi Code of 1972.

21 (iii) The person established the subject residence
22 prior to July 1, 2006, or the school or child care facility is
23 newly located on or after July 1, 2006.

24 (iv) The person is a minor or a ward under a
25 guardianship.

26 (b) Any person violating this section shall be guilty
27 of a misdemeanor and upon conviction shall be sentenced to not

28 more than one (1) year in jail or a fine not to exceed Five
29 Thousand Dollars (\$5,000.00), or both.

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