

By: Senator(s) Tollison, Jackson (11th)

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2865

1 AN ACT TO AMEND SECTIONS 45-33-23, 45-33-25, 45-33-27,
2 45-33-29, 45-33-31 AND 45-33-33, MISSISSIPPI CODE OF 1972, TO
3 REVISE THE SEX OFFENDER REGISTRATION LAW BY MAKING CLARIFYING
4 TECHNICAL CORRECTIONS; TO CREATE NEW SECTION 45-33-34, MISSISSIPPI
5 CODE OF 1972, TO PROVIDE FOR NOTIFICATION TO THE DEPARTMENT OF
6 PUBLIC SAFETY OF THE REINCARCERATION OR COMMITMENT OF A REGISTERED
7 SEX OFFENDER; TO AMEND SECTION 45-33-35, MISSISSIPPI CODE OF 1972,
8 TO MAKE CLARIFYING TECHNICAL AMENDMENTS; TO AMEND SECTION
9 45-33-37, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR PARTICIPATION
10 IN THE FEDERAL DNA INDEXING SYSTEM AND TO PROVIDE A "GOOD FAITH"
11 CLAUSE FOR DNA INFORMATION; TO AMEND SECTION 45-33-47, MISSISSIPPI
12 CODE OF 1972, TO CLARIFY WHEN A SEX OFFENDER'S NAME CAN BE REMOVED
13 FROM THE SEX OFFENDER REGISTRY; TO AMEND SECTIONS 45-35-3 AND
14 63-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE SEX OFFENDERS
15 LICENSED TO DRIVE IN THIS STATE TO OBTAIN A NEW DRIVER'S LICENSE
16 OR PERMIT THAT IDENTIFIES THE INDIVIDUAL AS A SEX OFFENDER; TO
17 AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972, TO REQUIRE AN
18 APPLICANT FOR A CERTIFICATE OF TITLE TO A VEHICLE TO FURNISH THE
19 APPLICANT'S DRIVER'S LICENSE NUMBER; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 45-33-23, Mississippi Code of 1972, is
22 amended as follows:

23 45-33-23. For the purposes of this chapter, the following
24 words shall have the meanings ascribed herein unless the context
25 clearly requires otherwise:

26 (a) "Conviction" shall mean that, regarding the
27 person's offense, there has been a determination or judgment of
28 guilt as a result of a trial or the entry of a plea of guilty or
29 nolo contendere regardless of whether adjudication is withheld.
30 "Conviction of similar offenses" includes, but is not limited to,
31 a conviction by a federal or military tribunal, including a court
32 martial conducted by the Armed Forces of the United States, a
33 conviction for an offense committed on an Indian Reservation or
34 other federal property, and a conviction in any state of the
35 United States.

36 (b) "Jurisdiction" shall mean any state court, federal
37 court, military court or Indian tribunal.

38 (c) "Permanent residence" is defined as a place where
39 the person abides, lodges, or resides for a period of fourteen
40 (14) or more consecutive days.

41 (d) "Registration" means providing information to the
42 appropriate agency within the time frame specified as required by
43 this chapter.

44 (e) "Registration duties" means obtaining the
45 registration information required on the form specified by the
46 department as well as the photograph, fingerprints, and biological
47 sample of the registrant. Biological samples are to be forwarded
48 to the State Crime Laboratory pursuant to Section 45-33-37; the
49 photograph, fingerprints and other registration information are to
50 be forwarded to the Department of Public Safety within ten (10)
51 days of registration.

52 (f) "Responsible agency" is defined as the person or
53 government entity whose duty it is to obtain information from a
54 criminal sex offender upon conviction and to transmit that
55 information to the Mississippi Department of Public Safety.

56 (i) For a criminal sex offender being released
57 from the custody of the Department of Corrections, the responsible
58 agency is the Department of Corrections.

59 (ii) For a criminal sex offender being released
60 from a county jail, the responsible agency is the sheriff of that
61 county.

62 (iii) For a criminal sex offender being released
63 from a municipal jail, the responsible agency is the police
64 department of that municipality.

65 (iv) For a sex offender in the custody of youth
66 court, the responsible agency is the youth court.

67 (v) For a criminal sex offender who is being
68 placed on probation, including conditional discharge or

69 unconditional discharge, without any sentence of incarceration,
70 the responsible agency is the sentencing court.

71 (vi) For an offender who has been committed to a
72 mental institution following an acquittal by reason of insanity,
73 the responsible agency is the facility from which the offender is
74 released. Specifically, the director of said facility shall
75 notify the Department of Public Safety prior to the offender's
76 release.

77 (vii) For a criminal sex offender who is being
78 released from a jurisdiction outside this state or who has a prior
79 conviction in another state and who is to reside in this state,
80 the responsible agency is the Department of Public Safety.

81 (g) "Sex offense" means any of the following offenses:

82 (i) Section 97-3-53 relating to kidnapping, if the
83 victim was below the age of eighteen (18);

84 (ii) Section 97-3-65 relating to rape; however,
85 conviction or adjudication under Section 97-3-65(1)(a) on or after
86 July 1, 1998, when the offender was eighteen (18) years of age or
87 younger at the time of the alleged offense, shall not be a
88 registrable sex offense;

89 (iii) Section 97-3-71 relating to rape and assault
90 with intent to ravish;

91 (iv) Section 97-3-95 relating to sexual battery;
92 however, conviction or adjudication under Section 97-3-95(1)(c) on
93 or after July 1, 1998, when the offender was eighteen (18) years
94 of age or younger at the time of the alleged offense, shall not be
95 a registrable sex offense;

96 (v) Section 97-5-5 relating to enticing child for
97 concealment, prostitution or marriage;

98 (vi) Section 97-5-23 relating to the touching of a
99 child, mentally defective or incapacitated person or physically
100 helpless person for lustful purposes;

101 (vii) Section 97-5-27 relating to the
102 dissemination of sexually oriented material to children;
103 (viii) Section 97-5-33 relating to the
104 exploitation of children;
105 (ix) Section 97-5-41 relating to the carnal
106 knowledge of a stepchild, adopted child or child of a cohabiting
107 partner;
108 (x) Section 97-29-59 relating to unnatural
109 intercourse;
110 (xi) Section 97-1-7 relating to attempt to commit
111 any of the above-referenced offenses;
112 (xii) Section 97-29-3 relating to adultery or
113 fornication between teacher and pupil;
114 (xiii) Any other offense resulting in a conviction
115 in another jurisdiction, whether state, federal or military,
116 which, if committed in this state, would be deemed to be such a
117 crime without regard to its designation elsewhere;
118 (xiv) Any offense resulting in a conviction in
119 another jurisdiction, whether state, federal or military, for
120 which registration is required in the jurisdiction where the
121 conviction was had.
122 (h) "Temporary residence" is defined as a place where
123 the person abides, lodges, or resides for a period of fourteen
124 (14) or more days in the aggregate during any calendar year and
125 which is not the person's permanent address; for a person whose
126 permanent residence is not in this state, the place where the
127 person is employed, practices a vocation, or is enrolled as a
128 student for any period of time in the state; or a place where a
129 person routinely abides, lodges or resides for a period of four
130 (4) or more consecutive or nonconsecutive days in any month and
131 which is not the person's permanent residence.
132 (i) "Department" unless otherwise specified is defined
133 as the Mississippi Department of Public Safety.

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

136 45-33-25. (1) Any person residing in this state who has
137 been convicted of any sex offense or attempted sex offense or who
138 has been acquitted by reason of insanity for any sex offense or
139 attempted sex offense or twice adjudicated delinquent for any sex
140 offense or attempted sex offense shall register with the
141 Mississippi Department of Public Safety. Registration shall not
142 be required for an offense that is not a registrable sex offense.
143 The department shall provide the initial registration information
144 as well as every change of address to the sheriff of the county of
145 the residence address of the registrant through either written
146 notice, electronic or telephone transmissions, or online access to
147 registration information. Further, the department shall provide
148 this information to the Federal Bureau of Investigation.
149 Additionally, upon notification by the registrant that he intends
150 to reside outside the State of Mississippi, the department shall
151 notify the appropriate state law enforcement agency of any state
152 to which a registrant is moving or has moved.

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

- 155 (a) Name, including a former name which has been
156 legally changed;
- 157 (b) Street address;
- 158 (c) Place of employment;
- 159 (d) Crime for which convicted;
- 160 (e) Date and place of conviction, adjudication or
161 acquittal by reason of insanity;
- 162 (f) Aliases used;
- 163 (g) Social security number;
- 164 (h) Date and place of birth;
- 165 (i) Age, race, sex, height, weight, and hair and eye
166 colors;

167 (j) A brief description of the offense or offenses for
168 which the registration is required;

169 (k) Identifying factors;

170 (l) Anticipated future residence;

171 (m) Offense history;

172 (n) Photograph;

173 (o) Fingerprints;

174 (p) Documentation of any treatment received for any
175 mental abnormality or personality disorder of the person;

176 (q) Biological sample;

177 (r) Name of any public or private educational
178 institution, including any secondary school, trade or professional
179 institution or institution of higher education at which the
180 offender is employed, carries on a vocation (with or without
181 compensation) or is enrolled as a student; * * *

182 (s) Copy of conviction or sentencing order for the sex
183 offense for which registration is required; and

184 (t) Any other information deemed necessary.

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

189 (4) Any person required to register under this chapter who
190 holds or applies for a driver's license, commercial driver's
191 license, intermediate license, temporary driving permit or state
192 identification card shall at the time of registering as a sex
193 offender obtain a license, permit or identification card, if
194 eligible, with an endorsement that the individual is a registered
195 sex offender.

196 **SECTION 3.** Section 45-33-27, Mississippi Code of 1972, is
197 amended as follows:

198 45-33-27. (1) A person required to register on the basis of
199 a conviction, adjudication of delinquency or acquittal by reason

200 of insanity entered shall register with the responsible agency
201 within three (3) days of the date of judgment unless the person is
202 immediately confined or committed, in which case the person shall
203 register when released in accordance with the procedures
204 established by the department. The person is also required to
205 personally appear at a Department of Public Safety Driver's
206 License Station within ten (10) days of registration with the
207 responsible agency.

208 (2) If a person who is required to register under this
209 section is released from prison or placed on parole or supervised
210 release, the Department of Corrections shall perform the
211 registration duties at the time of release and forward the
212 registration information to the Department of Public Safety within
213 ten (10) days. The person is also required to personally appear
214 at a Department of Public Safety Driver's License Station within
215 ten (10) days of release.

216 (3) If a person required to register under this section is
217 placed on probation, the court, at the time of entering the order,
218 shall inform the person of the duty to register, obtain the
219 registration information and forward the registration information
220 to the Department of Public Safety within ten (10) days. The
221 person is also required to personally appear at a Department of
222 Public Safety Driver's License Station within ten (10) days of the
223 entry of the order.

224 (4) Any person required to register who is neither
225 incarcerated, detained nor committed at the time the requirement
226 to register shall attach shall present himself to the county
227 sheriff who shall perform the registration duties and forward the
228 registration information to the Department of Public Safety within
229 ten (10) days. The person is also required to personally appear
230 at a Department of Public Safety Driver's License Station within
231 ten (10) days of the time the requirement to register attaches.

232 (5) An offender moving to or returning to this state from
233 another jurisdiction shall notify the Department of Public Safety
234 ten (10) days before the person first resides in or returns to a
235 county in this state and shall register with the department within
236 ten (10) days of first residing in or returning to a county of
237 this state. The offender must then present himself to the sheriff
238 of the county in which he intends to reside to provide the
239 required registration information. The person is also required to
240 personally appear at a Department of Public Safety Driver's
241 License Station within ten (10) days of first residing in or
242 moving to a county of this state.

243 (6) A person, other than a person confined in a correctional
244 or juvenile detention facility or involuntarily committed on the
245 basis of mental illness, who is required to register on the basis
246 of a sex offense for which a conviction, adjudication of
247 delinquency or acquittal by reason of insanity was entered prior
248 to July 1, 1995, shall register with the sheriff of the county in
249 which he resides no later than August 15, 2000.

250 (7) Every person required to register shall show proof of
251 domicile in this state. The commissioner shall promulgate any
252 rules and regulations necessary to enforce this requirement and
253 shall prescribe the means by which such person may show domicile
254 in this state.

255 (8) Any driver's license photograph, I.D. photograph, sex
256 offender photograph, finger print, driver's license application
257 and/or anything submitted to the Department of Public Safety by a
258 known convicted sex offender, registered or not registered, can be
259 used by the Department of Public Safety or any other authorized
260 law enforcement agency for any means necessary in registration,
261 identification, investigation regarding their tracking or
262 identification.

263 **SECTION 4.** Section 45-33-29, Mississippi Code of 1972, is
264 amended as follows:

265 45-33-29. (1) Upon any change of address, an offender
266 required to register under this chapter is required to personally
267 appear at a Department of Public Safety Driver's License Station
268 not less than ten (10) days before he intends to first reside at
269 the new address.

270 (2) Upon any change in the status of a registrant's
271 enrollment, employment or vocation at any public or private
272 educational institution, including any secondary school, trade or
273 professional institution or institution of higher education, the
274 offender is required to personally appear at a Department of
275 Public Safety Driver's License Station within ten (10) days of the
276 change.

277 **SECTION 5.** Section 45-33-31, Mississippi Code of 1972, is
278 amended as follows:

279 45-33-31. All registrants are required to personally appear
280 at a Department of Public Safety Driver's License Station to
281 reregister every ninety (90) days. Reregistration includes the
282 submission of current information to the department and the
283 verification of registration information, including the street
284 address and telephone number of the registrant; name, * * * street
285 address and telephone number of the registrant's employment along
286 with any other registration information that may need to be
287 verified and the payment of any required fees. A person who fails
288 to reregister as required by this section commits a violation of
289 this chapter.

290 **SECTION 6.** Section 45-33-33, Mississippi Code of 1972, is
291 amended as follows:

292 45-33-33. (1) The failure of an offender to personally
293 appear at a Department of Public Safety Driver's License Station
294 or to provide any registration or other information, including,
295 but not limited to, initial registration, reregistration or change
296 of address information, or required notification to a volunteer
297 organization, as required by this chapter, is a violation of the

298 law. Additionally, forgery of information or submission of
299 information under false pretenses is also a violation of the law.

300 (2) Unless otherwise specified, a violation of this chapter
301 shall be considered a felony and shall be punishable by a fine not
302 more than Five Thousand Dollars (\$5,000.00) or imprisonment in the
303 State Penitentiary for not more than five (5) years, or both fine
304 and imprisonment.

305 (3) Whenever it appears that an offender has failed to
306 comply with the duty to register or reregister, the department
307 shall promptly notify the sheriff of the county of the last known
308 address of the offender. Upon notification, the sheriff shall
309 attempt to locate the offender at his last known address.

310 (a) If the sheriff locates the offender, he shall
311 enforce the provisions of this chapter. The sheriff shall then
312 notify the department with the current information regarding the
313 offender.

314 (b) If the sheriff is unable to locate the offender,
315 the sheriff shall promptly notify the department and initiate a
316 criminal prosecution against the offender for the failure to
317 register or reregister. The sheriff shall make the appropriate
318 transactions into the Federal Bureau of Investigation's
319 wanted-person database.

320 (4) A first violation of this chapter may result in the
321 arrest of the offender. Upon any second or subsequent violation
322 of this chapter, the offender shall be arrested for such
323 violation.

324 (5) Any prosecution for a violation of this section shall be
325 brought by a prosecutor in the county of such violation.

326 (6) The Commissioner of Public Safety or his authorized
327 agent shall suspend the driver's license or driving privilege of
328 any offender failing to comply with the duty to report, register
329 or reregister.

330 **SECTION 7.** The following shall be codified as Section
331 45-33-34, Mississippi Code of 1972:

332 45-33-34. (1) It shall be the responsibility of the county
333 sheriff to notify the department when a registered sex offender is
334 reincarcerated for another offense or as the result of having
335 violated probation, parole, conditional discharge or other
336 sentence or court order.

337 (2) It shall be the responsibility of the offender,
338 offender's guardian, offender's attorney-in-fact or the
339 administrator of the institution to notify the department when a
340 registered sex offender is committed to a mental institution for a
341 reason other than the initial confinement following an acquittal
342 by reason of insanity for a sex offense.

343 **SECTION 8.** Section 45-33-35, Mississippi Code of 1972, is
344 amended as follows:

345 45-33-35. (1) The Mississippi Department of Public Safety
346 shall maintain a central registry of sex offender information as
347 defined in Section 45-33-25 and shall adopt rules and regulations
348 necessary to carry out this section. The responsible agencies
349 shall provide the information required in Section 45-33-25 on a
350 form developed by the department to ensure accurate information is
351 maintained.

352 (2) Upon conviction, adjudication or acquittal by reason of
353 insanity of any sex offender, if the sex offender is not
354 immediately confined or not sentenced to a term of imprisonment,
355 the clerk of the court which convicted and sentenced the sex
356 offender shall inform the person of the duty to register,
357 including the duty to personally appear at a Department of Public
358 Safety Driver's License Station, and shall perform the
359 registration duties as described in Section 45-33-23 and forward
360 the information to the department.

361 (3) Upon release from prison, placement on parole or
362 supervised release, the Department of Corrections shall inform the

363 person of the duty to register, including the duty to personally
364 appear at a Department of Public Safety Driver's License Station,
365 and shall perform the registration duties as described in Section
366 45-33-23 and forward the information to the Department of Public
367 Safety.

368 (4) Upon release from confinement in a mental institution
369 following an acquittal by reason of insanity, the director of the
370 facility shall inform the offender of the duty to register,
371 including the duty to personally appear at a Department of Public
372 Safety Driver's License Station, and shall notify the Department
373 of Public Safety of the offender's release.

374 (5) Upon release from a youthful offender facility, the
375 director of the facility shall inform the person of the duty to
376 register, including the duty to personally appear at a Department
377 of Public Safety Driver's License Station, and shall perform the
378 registration duties as described in Section 45-33-23 and forward
379 the information to the Department of Public Safety.

380 (6) In addition to performing the registration duties, the
381 responsible agency shall:

382 (a) Inform the person having a duty to register that:

383 (i) The person is required to personally appear at
384 a Department of Public Safety Driver's License Station at least
385 ten (10) days before changing address.

386 (ii) Any change of address to another state shall
387 be reported to the department by personally appearing at a
388 Department of Public Safety Driver's License Station not less than
389 ten (10) days before the change of address. The offender shall
390 comply with any registration requirement in the new state.

391 (iii) The person must register in any state where
392 the person is employed, carries on a vocation, is stationed in the
393 military or is a student.

394 (iv) All address verifications must be returned to
395 the department by personally appearing at a Department of Public
396 Safety Driver's License Station within the required time period.

397 (v) Any verification of change in status of a
398 registrant's enrollment, employment or vocation at any public or
399 private educational institution, including any secondary school,
400 trade or professional institution, or institution of higher
401 education shall be reported to the department by personally
402 appearing at a Department of Public Safety Driver's License
403 Station within ten (10) days of the change.

404 (vi) If the person has been convicted of a sex
405 offense, the person shall notify any organization for which the
406 person volunteers in which volunteers have direct, private or
407 unsupervised contact with minors that the person has been
408 convicted of a sex offense as provided in Section 45-33-32(1).

409 (b) Require the person to read and sign a form stating
410 that the duty of the person to register under this chapter has
411 been explained.

412 (c) Obtain or facilitate the obtaining of a biological
413 sample from every registrant as required by this chapter if such
414 biological sample has not already been provided to the Mississippi
415 Crime Lab.

416 (d) Provide a copy of the order of conviction or
417 sentencing order to the department at the time of registration.

418 **SECTION 9.** Section 45-33-37, Mississippi Code of 1972, is
419 amended as follows:

420 45-33-37. (1) The Mississippi Crime Laboratory shall
421 develop a plan for and establish a deoxyribonucleic acid (DNA)
422 identification system. In implementing the plan, the Mississippi
423 Crime Laboratory shall purchase the appropriate equipment. The
424 DNA identification system as established herein shall be
425 compatible with that utilized by the Federal Bureau of
426 Investigation.

427 (2) From and after January 1, 1996, every individual
428 convicted of a sex offense or in the custody of the Mississippi
429 Department of Corrections for a sex offense as defined in Section
430 45-33-23 shall submit a biological sample for purposes of DNA
431 identification analysis before release from or transfer to a state
432 correctional facility or county jail or other detention facility.

433 (3) From and after January 1, 1996, any person having a duty
434 to register under Section 45-33-25 for whom a DNA analysis is not
435 already on file shall submit a biological sample for purposes of
436 DNA identification analysis within five (5) working days after
437 registration.

438 (4) The Mississippi Crime Laboratory shall be responsible
439 for the policy management and administration of the state DNA
440 identification record system to support law enforcement and other
441 criminal justice agencies and shall:

442 (a) Promulgate rules and regulations to implement the
443 provisions of this section; and

444 (b) Provide for cooperation with the Federal Bureau of
445 Investigation and other criminal justice agencies relating to the
446 state's participation in the CODIS program and the national DNA
447 identification index or in any DNA database designated by the
448 crime laboratory.

449 (5) A DNA sample obtained in good faith shall be deemed to
450 have been obtained in accordance with the requirements of this
451 section. Any entry into the database which is found to be
452 erroneous shall not prohibit law enforcement officials from the
453 legitimate use of information in the furtherance of a criminal
454 investigation.

455 **SECTION 10.** Section 45-33-47, Mississippi Code of 1972, is
456 amended as follows:

457 45-33-47. (1) A sex offender with a duty to register under
458 Section 45-33-25 shall only be relieved of the duty under
459 subsection (2) of this section.

460 (2) A person having a duty to register under Section
461 45-33-25 may petition the circuit court of the sentencing
462 jurisdiction to be relieved of that duty under the following
463 conditions:

464 (a) The offender has maintained his registration in
465 Mississippi for not less than ten (10) years from the most recent
466 date of occurrence of at least one (1) of the following: release
467 from prison, placement on parole, supervised release or probation.
468 Incarceration for any offense will restart the ten-year minimum
469 registration requirement. Registration in any other jurisdiction
470 or state does not reduce the ten-year time requirement for
471 maintaining registration in Mississippi.

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

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

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

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

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

481 (v) Section 97-5-41 relating to the carnal
482 knowledge of a stepchild, adopted child or child of a cohabiting
483 partner; or

484 (vi) Any conviction for violation of a similar law
485 of another jurisdiction.

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

491 (d) An offender who resides in Mississippi and who has
492 been designated a sexual predator, a sexually violent predator or

493 a similar designation in another state, is subject to lifetime
494 registration and shall not be eligible to petition to be relieved
495 of the duty to register.

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

501 (f) The department shall continue to list on the
502 registry the name and registration information of all registrants
503 convicted in Mississippi who no longer work, reside or attend
504 school in this state even after the registrant moves to another
505 jurisdiction and registers in the new jurisdiction as required by
506 law. The registry shall note that the registrant has moved out of
507 state.

508 (3) In determining whether to release an offender from the
509 obligation to register, the court shall consider the nature of the
510 registrable offense committed and the criminal and relevant
511 noncriminal behavior of the petitioner both before and after
512 conviction. The court may relieve the offender of the duty to
513 register only if the petitioner shows, by clear and convincing
514 evidence, that the registrant properly maintained his registration
515 as required by law and that future registration of the petitioner
516 will not serve the purposes of this chapter.

517 (4) The offender will be required to continue registration
518 for any sex offense conviction unless the conviction is set aside
519 in any post-conviction proceeding or the offender receives a
520 pardon * * *. Upon submission of the appropriate documentation to
521 the department of one (1) of these occurrences, registration
522 duties will be discontinued.

523 **SECTION 11.** Section 45-35-3, Mississippi Code of 1972, is
524 amended as follows:

525 45-35-3. (1) Any person six (6) years of age or older may
526 be issued an identification card by the department which is
527 certified by the registrant and attested by the commissioner as to
528 true name, correct age and such other identifying data as required
529 by Section 45-35-5.

530 (2) The new or renewal identification card of a person
531 required to register as a sex offender pursuant to Section
532 45-33-25 shall bear an endorsement identifying the card holder as
533 a sex offender.

534 **SECTION 12.** Section 63-1-35, Mississippi Code of 1972, is
535 amended as follows:

536 63-1-35. (1) The Commissioner of Public Safety shall
537 prescribe the form of licenses issued pursuant to this article
538 which shall, among other features, include a driver's license
539 number assigned by the Department of Public Safety which, at the
540 option of the licensee, may or may not be the social security
541 number of the licensee. A licensee who chooses not to use his
542 social security number as his driver's license number, except as
543 otherwise provided under subsection (2) of this section, shall
544 list his social security number with the department which shall
545 cross reference the social security number with the driver's
546 license number for purposes of identification. Additionally, each
547 license shall bear a full face color photograph of the licensee in
548 such form that the license and the photograph cannot be separated.
549 Such photograph shall be taken so that one (1) exposure will
550 photograph the applicant and the application simultaneously on the
551 same film. The department shall use a process in the issuance of
552 a license with a color photograph which shall prevent as nearly as
553 possible any alteration, counterfeiting, duplication,
554 reproduction, forging or modification of such license or the
555 superimposition of a photograph without ready detection. Such
556 photograph shall be replaced by the department at the time of
557 renewal. Driver licenses, including photographs appearing

558 thereon, may be renewed by electronic means according to rules and
559 regulations promulgated by the commissioner. The Department of
560 Public Safety may accept bank credit cards and debit cards in
561 payment of fees for driver license renewals that are processed by
562 electronic means and, if authorized by general law, may charge an
563 additional fee for the use of such cards.

564 (2) The commissioner shall prescribe the form of licenses
565 issued pursuant to this article to licensees who are not United
566 States citizens and who do not possess a social security number
567 issued by the United States government. The licenses of such
568 persons shall include a number and/or other identifying features.

569 (3) Any new or renewal driver's license, temporary driving
570 permit, intermediate license or commercial driver's license issued
571 to a person required to register as a sex offender pursuant to
572 Section 45-33-25 shall bear a designation identifying the licensee
573 or permittee as a sex offender.

574 **SECTION 13.** Section 63-21-15, Mississippi Code of 1972, is
575 amended as follows:

576 63-21-15. (1) The application for the certificate of title
577 of a vehicle, manufactured home or mobile home in this state shall
578 be made by the owner to a designated agent, on the form the State
579 Tax Commission prescribes, and shall contain or be accompanied by
580 the following, if applicable:

581 (a) The name, driver's license number, if the owner has
582 been issued a driver's license, current residence and mailing
583 address of the owner;

584 (b) (i) If a vehicle, a description of the vehicle,
585 including the following data: year, make, model, vehicle
586 identification number, type of body, the number of cylinders,
587 odometer reading at the time of application, and whether new or
588 used; and

589 (ii) If a manufactured home or mobile home, a
590 description of the manufactured home or mobile home, including the

591 following data: year, make, model number, serial number and
592 whether new or used;

593 (c) The date of purchase by applicant, the name and
594 address of the person from whom the vehicle, manufactured home or
595 mobile home was acquired, and the names and addresses of any
596 lienholders in the order of their priority and the dates of their
597 security agreements;

598 (d) In connection with the transfer of ownership of a
599 manufactured home or mobile home sold by a sheriff's bill of sale,
600 a copy of the sheriff's bill of sale;

601 (e) (i) An odometer disclosure statement made by the
602 transferor of a motor vehicle. The statement shall read:

603 "Federal and state law requires that you state the mileage in
604 connection with the transfer of ownership. Failure to complete or
605 providing a false statement may result in fine and/or
606 imprisonment.

607 I state that the odometer now reads _____ (no tenths)
608 miles and to the best of my knowledge that it reflects the actual
609 mileage of the vehicle described herein, unless one (1) of the
610 following statements is checked:

611 _____ (1) I hereby certify that to the best of my knowledge
612 the odometer reading reflects the amount of mileage in excess of
613 its mechanical limits.

614 _____ (2) I hereby certify that the odometer reading is not
615 the actual mileage. WARNING-ODOMETER DISCREPANCY!"

616 (ii) In connection with the transfer of ownership
617 of a motor vehicle, each transferor shall disclose the mileage to
618 the transferee in writing on the title or on the document being
619 used to reassign the title, which form shall be prescribed and
620 furnished by the State Tax Commission. This written disclosure
621 must be signed by the transferor and transferee, including the
622 printed name of both parties.

623 Notwithstanding the requirements above, the following
624 exemptions as to odometer disclosure shall be in effect:

625 1. A vehicle having a gross vehicle weight
626 rating of more than sixteen thousand (16,000) pounds.

627 2. A vehicle that is not self-propelled.

628 3. A vehicle that is ten (10) years old or
629 older.

630 4. A vehicle sold directly by the
631 manufacturer to any agency of the United States in conformity with
632 contractual specifications.

633 5. A transferor of a new vehicle prior to its
634 first transfer for purposes other than resale need not disclose
635 the vehicle's odometer mileage.

636 (iii) Any person who knowingly gives a false
637 statement concerning the odometer reading on an odometer
638 disclosure statement shall be guilty of a misdemeanor and, upon
639 conviction, shall be subject to a fine of up to One Thousand
640 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
641 both, at the discretion of the court. These penalties shall be
642 cumulative, supplemental and in addition to the penalties provided
643 by any other law; and

644 (f) For previously used manufactured homes and mobile
645 homes that previously have not been titled in this state or any
646 other state, a disclosure statement shall be made by the owner of
647 the manufactured home or mobile home applying for the certificate
648 of title. That statement shall read:

649 "I state that the previously used manufactured home or mobile
650 home owned by me for which I am applying for a certificate of
651 title, to the best of my knowledge:

652 _____ (1) Has never been declared a total loss due to
653 flood damage, fire damage, wind damage or other damage; or

654 _____ (2) Has previously been declared a total loss due
655 to:

656 _____ (a) Collision;
657 _____ (b) Flood;
658 _____ (c) Fire;
659 _____ (d) Wind;
660 _____ (e) Other (please describe): _____
661 _____."

662 (2) The application shall be accompanied by such evidence as
663 the State Tax Commission reasonably requires to identify the
664 vehicle, manufactured home or mobile home and to enable the State
665 Tax Commission to determine whether the owner is entitled to a
666 certificate of title and the existence or nonexistence of security
667 interests in the vehicle, manufactured home or mobile home and
668 whether the applicant is liable for a use tax as provided by
669 Sections 27-67-1 through 27-67-33.

670 (3) If the application is for a vehicle, manufactured home
671 or mobile home purchased from a dealer, it shall contain the name
672 and address of any lienholder holding a security interest created
673 or reserved at the time of the sale and the date of his security
674 agreement and it shall be signed by the dealer as well as the
675 owner. The designated agent shall promptly mail or deliver the
676 application to the State Tax Commission.

677 (4) If the application is for a new vehicle, manufactured
678 home or mobile home, it shall contain the certified manufacturer's
679 statement of origin showing proper assignments to the applicant
680 and a copy of each security interest document.

681 (5) Each application shall contain or be accompanied by the
682 certificate of a designated agent that the vehicle, manufactured
683 home or mobile home has been physically inspected by him and that
684 the vehicle identification number and descriptive data shown on
685 the application, pursuant to the requirements of subsection (1)(b)
686 of this section, are correct, and also that he has identified the
687 person signing the application and witnessed the signature. If
688 the application is to receive a clear title for a vehicle for

689 which a salvage certificate of title has been issued, the
690 application shall be accompanied by a sworn affidavit that the
691 vehicle complies with the requirements of this section, Section
692 63-21-39 and the regulations promulgated by the State Tax
693 Commission under Section 63-21-39.

694 (6) If the application is for a first certificate of title
695 on a vehicle, manufactured home or mobile home other than a new
696 vehicle, manufactured home or mobile home, then the application
697 shall conform with the requirements of this section except that in
698 lieu of the manufacturer's statement of origin, the application
699 shall be accompanied by a copy of the bill of sale of said motor
700 vehicle, manufactured home or mobile home whereby the applicant
701 claims title or in lieu thereof, in the case of a motor vehicle,
702 certified copies of the last two (2) years' tag and tax receipts
703 or in lieu thereof, in any case, such other information the State
704 Tax Commission may reasonably require to identify the vehicle,
705 manufactured home or mobile home and to enable the State Tax
706 Commission to determine ownership of the vehicle, manufactured
707 home or mobile home and the existence or nonexistence of security
708 interest in it. If the application is for a vehicle, manufactured
709 home or mobile home last previously registered in another state or
710 country, the application shall also be accompanied by the
711 certificate of title issued by the other state or country, if any,
712 properly assigned.

713 (7) Every designated agent within this state shall, no later
714 than the next business day after they are received by him, forward
715 to the State Tax Commission by mail, postage prepaid, the
716 originals of all applications received by him, together with such
717 evidence of title as may have been delivered to him by the
718 applicants.

719 (8) An application for certificate of title and information
720 to be placed on an application for certificate of title may be
721 transferred electronically as provided in Section 63-21-16.

722 (9) The State Tax Commission shall issue a certificate of
723 title or any other document applied for under this chapter to the
724 designated agent, owner or lienholder of the motor vehicle or of
725 the manufactured home or mobile home, as appropriate, not more
726 than thirty (30) days after the application and required fee
727 prescribed under Section 63-21-63 or Section 63-21-64 are received
728 unless the applicant requests expedited processing under
729 subsection (10) of this section.

730 (10) (a) The State Tax Commission shall establish an
731 expedited processing procedure for the receipt of applications and
732 the issuance of certificates of title and any other documents
733 issued under this chapter, except a replacement certificate of
734 title as provided under Section 63-21-27(2), for motor vehicles
735 and for manufactured homes or mobile homes. Any designated agent,
736 lienholder or owner requesting the issuance of any such document,
737 at his or her option, shall receive such expedited processing upon
738 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
739 fee shall be in addition to the fees applicable to the issuance of
740 any such documents under Section 63-21-63 and Section 63-21-64.

741 (b) When expedited title processing is requested, the
742 applicable fees are paid and all documents and information
743 necessary for the Tax Commission to issue the certificate of title
744 or other documents applied for are received by the commission,
745 then the commission shall complete processing of the application
746 and issue the title or document applied for within seventy-two
747 (72) hours of the time of receipt, excluding weekends and
748 holidays.

749 **SECTION 14.** This act shall take effect and be in force from
750 and after July 1, 2006.