

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2865

1 AN ACT TO AMEND SECTIONS 45-33-25, 45-35-3 AND 63-1-35,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE DRIVER'S LICENSE
3 IDENTIFICATION CARD OF A SEX OFFENDER TO BE DESIGNATED AS SUCH; TO
4 AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN
5 SEX OFFENDERS' NAMES CAN BE REMOVED FROM THE STATE REGISTRY; AND
6 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 twice 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 (4) Any person required to register under this chapter who
60 holds or applies for a Mississippi driver's license, commercial
61 driver's license, intermediate license, driving permit or state

62 identification card shall at the time of registering as a sex
63 offender obtain a new license or permit, if eligible, that denotes
64 the individual is a registered sex offender. If an offender holds
65 or applies for a state identification card pursuant to Section
66 45-35-3, then the identification card shall denote that the
67 individual is a registered sex offender.

68 **SECTION 2.** Section 45-35-3, Mississippi Code of 1972, is
69 amended as follows:

70 45-35-3. (1) Any person six (6) years of age or older may
71 be issued an identification card by the department which is
72 certified by the registrant and attested by the commissioner as to
73 true name, correct age and such other identifying data as required
74 by Section 45-35-5.

75 (2) Whenever the department issues or renews an
76 identification card to an individual with a duty to register as a
77 sex offender pursuant to Section 45-33-25, the identification card
78 shall bear a designation that identifies the card holder as a
79 criminal sex offender.

80 (3) Identification cards issued to an individual with a duty
81 to register as a sex offender pursuant to Section 45-33-25, shall
82 bear a designation that identifies the card holder as a criminal
83 sex offender.

84 **SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is
85 amended as follows:

86 63-1-35. (1) The Commissioner of Public Safety shall
87 prescribe the form of licenses issued pursuant to this article
88 which shall, among other features, include a driver's license
89 number assigned by the Department of Public Safety which, at the
90 option of the licensee, may or may not be the social security
91 number of the licensee. A licensee who chooses not to use his
92 social security number as his driver's license number, except as
93 otherwise provided under subsection (2) of this section, shall
94 list his social security number with the department which shall

95 cross reference the social security number with the driver's
96 license number for purposes of identification. Additionally, each
97 license shall bear a full face color photograph of the licensee in
98 such form that the license and the photograph cannot be separated.
99 Such photograph shall be taken so that one (1) exposure will
100 photograph the applicant and the application simultaneously on the
101 same film. The department shall use a process in the issuance of
102 a license with a color photograph which shall prevent as nearly as
103 possible any alteration, counterfeiting, duplication,
104 reproduction, forging or modification of such license or the
105 superimposition of a photograph without ready detection. Such
106 photograph shall be replaced by the department at the time of
107 renewal. Driver licenses, including photographs appearing
108 thereon, may be renewed by electronic means according to rules and
109 regulations promulgated by the commissioner. The Department of
110 Public Safety may accept bank credit cards and debit cards in
111 payment of fees for driver license renewals that are processed by
112 electronic means and, if authorized by general law, may charge an
113 additional fee for the use of such cards.

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

119 (3) Driver's licenses, driving permits, intermediate
120 licenses and commercial driver's licenses issued to an individual
121 with a duty to register as a sex offender pursuant to Section
122 45-33-25 shall bear a designation that identifies the licensee as
123 a criminal sex offender.

124 **SECTION 4.** Section 45-33-47, Mississippi Code of 1972, is
125 amended as follows:

126 45-33-47. (1) A sex offender with a duty to register under
127 Section 45-33-25 shall only be relieved of the duty under
128 subsection (2) of this section.

129 (2) A person having a duty to register under Section
130 45-33-25 may petition the circuit court of the sentencing
131 jurisdiction to be relieved of that duty under the following
132 conditions:

133 (a) The offender has maintained his registration in
134 Mississippi for not less than ten (10) years from the most recent
135 date of occurrence of at least one (1) of the following: release
136 from prison, placement on parole, supervised release or probation.
137 Incarceration for any offense will restart the ten-year minimum
138 registration requirement. Registration in any other jurisdiction
139 or state does not reduce the ten-year time requirement for
140 maintaining registration in Mississippi.

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

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

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

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

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

150 (v) Section 97-5-41 relating to the carnal
151 knowledge of a stepchild, adopted child or child of a cohabiting
152 partner; or

153 (vi) Any conviction for violation of a similar law
154 of another jurisdiction.

155 (c) An offender who has two (2) separate convictions
156 for any of the offenses described in Section 45-33-23 is subject
157 to lifetime registration and shall not be eligible to petition to

158 be relieved of the duty to register as long as at least one (1) of
159 the convictions was entered on or after July 1, 1995.

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

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

170 (f) The department shall continue listing on the
171 registry the name and information of all offenders convicted in
172 Mississippi who no longer work, reside or attend school in the
173 state even after moving to another state and registering as
174 required by law. The registry shall note that the offender moved
175 out of state.

176 (3) In determining whether to release an offender from the
177 obligation to register, the court shall consider the nature of the
178 registrable offense committed and the criminal and relevant
179 noncriminal behavior of the petitioner both before and after
180 conviction. The court may relieve the offender of the duty to
181 register only if the petitioner shows, by clear and convincing
182 evidence, that the registrant properly maintained his registration
183 as required by law and that future registration of the petitioner
184 will not serve the purposes of this chapter.

185 (4) The offender will be required to continue registration
186 for any sex offense conviction unless the conviction is set aside
187 in any post-conviction proceeding or the offender receives a
188 pardon * * *. Upon submission of the appropriate documentation to
189 the department of one (1) of these occurrences, registration
190 duties will be discontinued.

191 **SECTION 5.** This act shall take effect and be in force from
192 and after July 1, 2006.