

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

To: Judiciary, Division B

SENATE BILL NO. 2865  
(As Passed the Senate)

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 who no longer work, reside or attend school in this state even  
504 after the registrant moves to another jurisdiction and registers  
505 in the new jurisdiction as required by law. The registry shall  
506 note that the registrant has moved out of state.

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

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

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

524 45-35-3. (1) Any person six (6) years of age or older may  
525 be issued an identification card by the department which is



526 certified by the registrant and attested by the commissioner as to  
527 true name, correct age and such other identifying data as required  
528 by Section 45-35-5.

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

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

535 63-1-35. (1) The Commissioner of Public Safety shall  
536 prescribe the form of licenses issued pursuant to this article  
537 which shall, among other features, include a driver's license  
538 number assigned by the Department of Public Safety which, at the  
539 option of the licensee, may or may not be the social security  
540 number of the licensee. A licensee who chooses not to use his  
541 social security number as his driver's license number, except as  
542 otherwise provided under subsection (2) of this section, shall  
543 list his social security number with the department which shall  
544 cross reference the social security number with the driver's  
545 license number for purposes of identification. Additionally, each  
546 license shall bear a full face color photograph of the licensee in  
547 such form that the license and the photograph cannot be separated.  
548 Such photograph shall be taken so that one (1) exposure will  
549 photograph the applicant and the application simultaneously on the  
550 same film. The department shall use a process in the issuance of  
551 a license with a color photograph which shall prevent as nearly as  
552 possible any alteration, counterfeiting, duplication,  
553 reproduction, forging or modification of such license or the  
554 superimposition of a photograph without ready detection. Such  
555 photograph shall be replaced by the department at the time of  
556 renewal. Driver licenses, including photographs appearing  
557 thereon, may be renewed by electronic means according to rules and  
558 regulations promulgated by the commissioner. The Department of

559 Public Safety may accept bank credit cards and debit cards in  
560 payment of fees for driver license renewals that are processed by  
561 electronic means and, if authorized by general law, may charge an  
562 additional fee for the use of such cards.

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

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

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

575 63-21-15. (1) The application for the certificate of title  
576 of a vehicle, manufactured home or mobile home in this state shall  
577 be made by the owner to a designated agent, on the form the State  
578 Tax Commission prescribes, and shall contain or be accompanied by  
579 the following, if applicable:

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

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

588 (ii) If a manufactured home or mobile home, a  
589 description of the manufactured home or mobile home, including the  
590 following data: year, make, model number, serial number and  
591 whether new or used;

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

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

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

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

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

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

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

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

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

- 624                   1. A vehicle having a gross vehicle weight  
625 rating of more than sixteen thousand (16,000) pounds.
- 626                   2. A vehicle that is not self-propelled.
- 627                   3. A vehicle that is ten (10) years old or  
628 older.
- 629                   4. A vehicle sold directly by the  
630 manufacturer to any agency of the United States in conformity with  
631 contractual specifications.
- 632                   5. A transferor of a new vehicle prior to its  
633 first transfer for purposes other than resale need not disclose  
634 the vehicle's odometer mileage.

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

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

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

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

653                   \_\_\_\_\_ (2) Has previously been declared a total loss due  
654 to:

655                   \_\_\_\_\_ (a) Collision;

656                   \_\_\_\_\_ (b) Flood;

657                    \_\_\_\_\_ (c) Fire;  
658                    \_\_\_\_\_ (d) Wind;  
659                    \_\_\_\_\_ (e) Other (please describe): \_\_\_\_\_  
660 \_\_\_\_\_."

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

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

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

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

690 vehicle complies with the requirements of this section, Section  
691 63-21-39 and the regulations promulgated by the State Tax  
692 Commission under Section 63-21-39.

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

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

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

721 (9) The State Tax Commission shall issue a certificate of  
722 title or any other document applied for under this chapter to the

723 designated agent, owner or lienholder of the motor vehicle or of  
724 the manufactured home or mobile home, as appropriate, not more  
725 than thirty (30) days after the application and required fee  
726 prescribed under Section 63-21-63 or Section 63-21-64 are received  
727 unless the applicant requests expedited processing under  
728 subsection (10) of this section.

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

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

748 **SECTION 14.** This act shall take effect and be in force from  
749 and after June 30, 2006.