

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2527: Sex offender registration; revise.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

19        **SECTION 1.** (1) The Sex Offender Task Force is hereby  
20 created. The purpose of the Sex Offender Task Force shall be to  
21 study and report to the Legislature on the feasibility, benefits  
22 and cost of geositional monitoring for sex offenders.

23        (2) The conference shall consist of the following members:  
24 the Commissioner of the Department of Corrections or his designee;  
25 the Commissioner of the Department of Public Safety or his  
26 designee; the Director of the Administrative Office of Courts; the  
27 Director of the Department of Finance and Administration or his  
28 designee; the Director of the Legislative Budget Office or his  
29 designee; the Attorney General or his designee; a member of the  
30 Governor's staff appointed by the Governor who shall preside over  
31 meetings of the conference and exercise the authority to call  
32 meetings.

33        (3) The Sex Offender Task Force shall study the factors  
34 relating to sex offenders as required in subsection (1) and make a  
35 report of its findings to the Legislature. The Department of  
36 Corrections, Department of Finance and Administration,  
37 Administrative Office of Courts, Department of Public Safety,  
38 Office of the Attorney General and the various district attorneys  
39 shall provide information deemed necessary for the study. The  
40 final report shall be filed with the Clerk of the House and the

41 Secretary of the Senate no later than November 1, 2006, at which  
42 time the Task Force shall be dissolved.

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

45 45-33-25. (1) Any person residing in this state who has  
46 been convicted of any sex offense or attempted sex offense or who  
47 has been acquitted by reason of insanity for any sex offense or  
48 attempted sex offense or twice adjudicated delinquent for any sex  
49 offense or attempted sex offense shall register with the  
50 Mississippi Department of Public Safety. Registration shall not  
51 be required for an offense that is not a registrable sex offense.  
52 The department shall provide the initial registration information  
53 as well as every change of address to the sheriff of the county of  
54 the residence address of the registrant through either written  
55 notice, electronic or telephone transmissions, or online access to  
56 registration information. Further, the department shall provide  
57 this information to the Federal Bureau of Investigation.  
58 Additionally, upon notification by the registrant that he intends  
59 to reside outside the State of Mississippi, the department shall  
60 notify the appropriate state law enforcement agency of any state  
61 to which a registrant is moving or has moved.

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

64 (a) Name, including a former name which has been  
65 legally changed;

66 (b) Street address of any permanent residence and of  
67 any current temporary residence within state or out of state;

68 (c) Date and place of employment;

69 (d) Crime for which convicted;

70 (e) Date and place of conviction, adjudication or  
71 acquittal by reason of insanity;

72 (f) Aliases used;

73           (g) Social security number;  
74           (h) Date and place of birth;  
75           (i) Age, race, sex, height, weight, and hair and eye  
76 colors;  
77           (j) A brief description of the offense or offenses for  
78 which the registration is required;  
79           (k) Identifying factors;  
80           (l) Anticipated future residence;  
81           (m) If the registrant's residence is a motor vehicle,  
82 trailer, mobile home or manufactured home, the registrant shall  
83 also provide vehicle identification number, license tag number,  
84 registration number and a description, including color scheme, of  
85 the motor vehicle, trailer, mobile home or manufactured home; if  
86 the registrant's place of residence is a vessel or houseboat, the  
87 registrant shall also provide the hull identification number,  
88 manufacturer's serial number, name of the vessel or houseboat,  
89 registration number and a description, including color scheme, of  
90 the vessel or houseboat;  
91           (n) Vehicle make, model, color and license tag number;  
92           (o) Offense history;  
93           (p) Photograph;  
94           (q) Fingerprints;  
95           (r) Documentation of any treatment received for any  
96 mental abnormality or personality disorder of the person;  
97           (s) Biological sample;  
98           (t) Name of any public or private educational  
99 institution, including any secondary school, trade or professional  
100 institution or institution of higher education at which the  
101 offender is employed, carries on a vocation (with or without  
102 compensation) or is enrolled as a student, and the registrant's  
103 status; \* \* \*

104           (u) Copy of conviction or sentencing order for the sex  
105 offense for which registration is required; and

106           (v) Any other information deemed necessary.

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

111           (4) (a) A person required to register under this chapter  
112 shall not reside within one thousand five hundred (1,500) feet of  
113 the real property comprising a public or nonpublic elementary or  
114 secondary school or a child care facility.

115           (b) A person residing within one thousand five hundred  
116 (1,500) feet of the real property comprising a public or nonpublic  
117 elementary or secondary school or a child care facility does not  
118 commit a violation of this subsection if any of the following  
119 apply:

120                   (i) The person is serving a sentence at a jail,  
121 prison, juvenile facility or other correctional institution or  
122 facility.

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

125                   (iii) The person established the subject residence  
126 prior to July 1, 2006, or the school or child care facility is  
127 located within one thousand five hundred (1,500) feet of the  
128 school or child care facility subsequent to the date the person  
129 established residency.

130                   (iv) The person is a minor or a ward under a  
131 guardianship.

132           **SECTION 3.** Section 45-33-33, Mississippi Code of 1972, is  
133 amended as follows:

134           45-33-33. (1) (a) The failure of an offender to personally  
135 appear at a Department of Public Safety Driver's License Station

136 or to provide any registration or other information, including,  
137 but not limited to, initial registration, reregistration or change  
138 of address information, or required notification to a volunteer  
139 organization, as required by this chapter, is a violation of the  
140 law. Additionally, forgery of information or submission of  
141 information under false pretenses is also a violation of the law.

142 (b) A person commits a violation of this chapter who:

143 (i) Knowingly harbors, or knowingly attempts to  
144 harbor, or knowingly assists another person in harboring or  
145 attempting to harbor a sex offender who is in violation of this  
146 chapter; or

147 (ii) Knowingly assists a sex offender in eluding a  
148 law enforcement agency that is seeking to find the sex offender to  
149 question the sex offender about, or to arrest the sex offender  
150 for, noncompliance with the requirements of this chapter; or

151 (iii) Provides information to a law enforcement  
152 agency regarding a sex offender which the person knows to be  
153 false.

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

159 (3) Whenever it appears that an offender has failed to  
160 comply with the duty to register or reregister, the department  
161 shall promptly notify the sheriff of the county of the last known  
162 address of the offender. Upon notification, the sheriff shall  
163 attempt to locate the offender at his last known address.

164 (a) If the sheriff locates the offender, he shall  
165 enforce the provisions of this chapter. The sheriff shall then  
166 notify the department with the current information regarding the  
167 offender.

168 (b) If the sheriff is unable to locate the offender,  
169 the sheriff shall promptly notify the department and initiate a  
170 criminal prosecution against the offender for the failure to  
171 register or reregister. The sheriff shall make the appropriate  
172 transactions into the Federal Bureau of Investigation's  
173 wanted-person database.

174 (4) A first violation of this chapter may result in the  
175 arrest of the offender. Upon any second or subsequent violation  
176 of this chapter, the offender shall be arrested for the violation.

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

179 (6) A person required to register under this chapter who  
180 commits any act or omission in violation of this chapter may be  
181 prosecuted for the act or omission in the county in which the act  
182 or omission was committed, the county of the last registered  
183 address of the sex offender, the county in which the conviction  
184 occurred for the offense or offenses that meet the criteria  
185 requiring the person to register, or in the county in which he was  
186 designated a sex offender.

187 (7) The Commissioner of Public Safety or his authorized  
188 agent shall suspend the driver's license or driving privilege of  
189 any offender failing to comply with the duty to report, register  
190 or reregister.

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

193 45-33-47. (1) A sex offender with a duty to register under  
194 Section 45-33-25 shall only be relieved of the duty under  
195 subsection (2) of this section.

196 (2) A person having a duty to register under Section  
197 45-33-25 may petition the circuit court of the sentencing  
198 jurisdiction, or for a person whose duty to register arose in

199 another jurisdiction, the county in which the registrant resides,  
200 to be relieved of that duty under the following conditions:

201 (a) The offender has maintained his registration in  
202 Mississippi for not less than ten (10) years from the most recent  
203 date of occurrence of at least one (1) of the following: release  
204 from prison, placement on parole, supervised release or probation.  
205 Incarceration for any offense will restart the ten-year minimum  
206 registration requirement. Registration in any other jurisdiction  
207 or state does not reduce the ten-year time requirement for  
208 maintaining registration in Mississippi.

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

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

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

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

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

218 (v) Section 97-5-41 relating to the carnal  
219 knowledge of a stepchild, adopted child or child of a cohabiting  
220 partner; or

221 (vi) Any conviction for violation of a similar law  
222 of another jurisdiction or designation as a sexual predator in  
223 another jurisdiction.

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

229 (d) An offender, twenty-one (21) years of age or older,  
230 who is convicted of any sex offense where the victim was fourteen

231 (14) years of age or younger shall be subject to lifetime  
232 registration and shall not be \* \* \* relieved of the duty to  
233 register.

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

239 (f) Registration following arrest or arraignment for  
240 failure to register is not a defense and does not relieve the sex  
241 offender of criminal liability for failure to register.

242 (g) The department shall continue to list in the  
243 registry the name and registration information of all registrants  
244 who no longer work, reside or attend school in this state even  
245 after the registrant moves to another jurisdiction and registers  
246 in the new jurisdiction as required by law. The registry shall  
247 note that the registrant moved out of state.

248 (3) In determining whether to release an offender from the  
249 obligation to register, the court shall consider the nature of the  
250 registrable offense committed and the criminal and relevant  
251 noncriminal behavior of the petitioner both before and after  
252 conviction. The court may relieve the offender of the duty to  
253 register only if the petitioner shows, by clear and convincing  
254 evidence, that the registrant properly maintained his registration  
255 as required by law and that future registration of the petitioner  
256 will not serve the purposes of this chapter and the court is  
257 otherwise satisfied that the petitioner is not a current or  
258 potential threat to public safety. The district attorney in the  
259 circuit in which the petition is filed must be given notice of the  
260 petition at least three (3) weeks before the hearing on the  
261 matter. The district attorney may present evidence in opposition  
262 to the requested relief or may otherwise demonstrate the reasons

263 why the petition should be denied. If the court denies the  
264 petition, the petitioner may not again petition the court for  
265 relief until one (1) year has elapsed unless the court orders  
266 otherwise in its order of denial of relief.

267 (4) The offender will be required to continue registration  
268 for any sex offense conviction unless the conviction is set aside  
269 in any post-conviction proceeding, the offender receives a  
270 pardon, \* \* \* the charge is dismissed or the offender has received  
271 a court order pursuant to this section relieving him of the duty  
272 to register. Upon submission of the appropriate documentation to  
273 the department of one (1) of these occurrences, registration  
274 duties will be discontinued.

275 **SECTION 5.** Section 47-7-35, Mississippi Code of 1972, is  
276 amended as follows:

277 47-7-35. (1) The courts referred to in Section 47-7-33 or  
278 47-7-34 shall determine the terms and conditions of probation or  
279 post-release supervision and may alter or modify, at any time  
280 during the period of probation or post-release supervision the  
281 conditions and may include among them the following or any other:

282 That the, offender shall:

283 (a) Commit no offense against the laws of this or any  
284 other state of the United States, or of the United States;

285 (b) Avoid injurious or vicious habits;

286 (c) Avoid persons or places of disreputable or harmful  
287 character;

288 (d) Report to the probation and parole officer as  
289 directed;

290 (e) Permit the probation and parole officer to visit  
291 him at home or elsewhere;

292 (f) Work faithfully at suitable employment so far as  
293 possible;

294 (g) Remain within a specified area;

295 (h) Pay his fine in one (1) or several sums;  
296 (i) Support his dependents;  
297 (j) Submit, as provided in Section 47-5-601, to any  
298 type of breath, saliva or urine chemical analysis test, the  
299 purpose of which is to detect the possible presence of alcohol or  
300 a substance prohibited or controlled by any law of the State of  
301 Mississippi or the United States.

302 (2) When any court places a defendant on misdemeanor  
303 probation, the court must cause to be conducted a search of the  
304 probationer's name or other identifying information against the  
305 registration information regarding sex offenders maintained under  
306 Title 45, Chapter 33. The search may be conducted using the  
307 Internet site maintained by the Department of Public Safety Sex  
308 Offender Registry.

309 **SECTION 6.** Section 47-7-37, Mississippi Code of 1972, is  
310 amended as follows:

311 47-7-37. The period of probation shall be fixed by the  
312 court, and may at any time be extended or terminated by the court,  
313 or judge in vacation. Such period with any extension thereof  
314 shall not exceed five (5) years, except that in cases of desertion  
315 and/or failure to support minor children, the period of probation  
316 may be fixed and/or extended by the court for so long as the duty  
317 to support such minor children exists.

318 At any time during the period of probation the court, or  
319 judge in vacation, may issue a warrant for violating any of the  
320 conditions of probation or suspension of sentence and cause the  
321 probationer to be arrested. Any probation and parole officer may  
322 arrest a probationer without a warrant, or may deputize any other  
323 officer with power of arrest to do so by giving him a written  
324 statement setting forth that the probationer has, in the judgment  
325 of the probation and parole officer, violated the conditions of  
326 probation. Such written statement delivered with the probationer

327 by the arresting officer to the official in charge of a county  
328 jail or other place of detention shall be sufficient warrant for  
329 the detention of the probationer.

330 If a probationer or offender is subject to registration as a  
331 sex offender, the court must make a finding that the probationer  
332 or offender is not a danger to the public prior to release with or  
333 without bail. In determining the danger posed by the release of  
334 the offender or probationer, the court may consider the nature and  
335 circumstances of the violation and any new offenses charged; the  
336 offender or probationer's past and present conduct, including  
337 convictions of crimes and any record of arrests without conviction  
338 for crimes involving violence or sex crimes; any other evidence of  
339 allegations of unlawful sexual conduct or the use of violence by  
340 the offender or probationer; the offender or probationer's family  
341 ties, length of residence in the community, employment history and  
342 mental condition; the offender or probationer's history and  
343 conduct during the probation or other supervised release and any  
344 other previous supervisions, including disciplinary records of  
345 previous incarcerations; the likelihood that the offender or  
346 probationer will engage again in a criminal course of conduct; the  
347 weight of the evidence against the offender or probationer; and  
348 any other facts the court considers relevant.

349 The probation and parole officer after making an arrest shall  
350 present to the detaining authorities a similar statement of the  
351 circumstances of violation. The probation and parole officer  
352 shall at once notify the court of the arrest and detention of the  
353 probationer and shall submit a report in writing showing in what  
354 manner the probationer has violated the conditions of probation.  
355 Thereupon, or upon an arrest by warrant as herein provided, the  
356 court, in termtime or vacation, shall cause the probationer to be  
357 brought before it and may continue or revoke all or any part of  
358 the probation or the suspension of sentence, and may cause the

359 sentence imposed to be executed or may impose any part of the  
360 sentence which might have been imposed at the time of conviction.

361 If the probationer is arrested in a circuit court district in  
362 the State of Mississippi other than that in which he was  
363 convicted, the probation and parole officer, upon the written  
364 request of the sentencing judge, shall furnish to the circuit  
365 court or the county court of the county in which the arrest is  
366 made, or to the judge of such court, a report concerning the  
367 probationer, and such court or the judge in vacation shall have  
368 authority, after a hearing, to continue or revoke all or any part  
369 of probation or all or any part of the suspension of sentence, and  
370 may in case of revocation proceed to deal with the case as if  
371 there had been no probation. In such case, the clerk of the court  
372 in which the order of revocation is issued shall forward a  
373 transcript of such order to the clerk of the court of original  
374 jurisdiction, and the clerk of that court shall proceed as if the  
375 order of revocation had been issued by the court of original  
376 jurisdiction. Upon the revocation of probation or suspension of  
377 sentence of any offender, such offender shall be placed in the  
378 legal custody of the State Department of Corrections and shall be  
379 subject to the requirements thereof.

380 Any probationer who removes himself from the State of  
381 Mississippi without permission of the court placing him on  
382 probation, or the court to which jurisdiction has been  
383 transferred, shall be deemed and considered a fugitive from  
384 justice and shall be subject to extradition as now provided by  
385 law. No part of the time that one is on probation shall be  
386 considered as any part of the time that he shall be sentenced to  
387 serve.

388 The arresting officer, except when a probation and parole  
389 officer, shall be allowed the same fees as now provided by law for

390 arrest on warrant, and such fees shall be taxed against the  
391 probationer and paid as now provided by law.

392 The arrest, revocation and recommitment procedures of this  
393 section also apply to persons who are serving a period of  
394 post-release supervision imposed by the court.

395 **SECTION 7.** This act shall take effect and be in force from  
396 and after July 1, 2006.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE SEX OFFENDER TASK FORCE AND SPECIFY THE  
2 DUTIES THEREOF; TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF  
3 1972, TO REQUIRE ADDITIONAL INFORMATION FROM SEX OFFENDERS WHO ARE  
4 REQUIRED TO REGISTER; TO PROHIBIT REGISTERED SEX OFFENDERS FROM  
5 LIVING WITHIN 1,500 FEET OF A SCHOOL OR DAY CARE CENTER; TO AMEND  
6 SECTION 45-33-33, MISSISSIPPI CODE OF 1972, TO CREATE THE CRIME OF  
7 CONSPIRING WITH A SEX OFFENDER TO ELUDE REGISTRATION AND OF  
8 PROVIDING FALSE REGISTRATION INFORMATION; TO AMEND SECTION  
9 45-33-47, MISSISSIPPI CODE OF 1972, TO REQUIRE SHOWINGS OF FACT  
10 WHEN PETITIONING THE CIRCUIT COURT FOR RELIEF FROM THE DUTY TO  
11 REGISTER AND TO EXPAND LIST OF OFFENDERS SUBJECT TO LIFETIME  
12 REGISTRATION; TO AMEND SECTION 47-7-35, MISSISSIPPI CODE OF 1972,  
13 TO REQUIRE A SEX OFFENDER REGISTRY CHECK BEFORE PLACING AN  
14 OFFENDER ON PROBATION; TO AMEND SECTION 47-7-37, MISSISSIPPI CODE  
15 OF 1972, TO ENACT CERTAIN RESTRICTIONS ON THE IMPOSITION OF BAIL  
16 FOR PERSONS WHO ARE REQUIRED TO REGISTER AS SEX OFFENDERS; AND FOR  
17 RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)  
Ross

X (SIGNED)  
Doxey

X (SIGNED)  
Nunnelee

CONFEREES FOR THE HOUSE

X (SIGNED)  
Smith (27th)

X (SIGNED)  
McBride

X (SIGNED)  
Cockerham