

House Amendments to Senate Bill No. 2865

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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

20 45-33-23. For the purposes of this chapter, the following
21 words shall have the meanings ascribed herein unless the context
22 clearly requires otherwise:

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

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

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

38 (d) "Registration" means providing information to the
39 appropriate agency within the time frame specified as required by
40 this chapter.

41 (e) "Registration duties" means obtaining the
42 registration information required on the form specified by the
43 department as well as the photograph, fingerprints, and biological

44 sample of the registrant. Biological samples are to be forwarded
45 to the State Crime Laboratory pursuant to Section 45-33-37; the
46 photograph, fingerprints and other registration information are to
47 be forwarded to the Department of Public Safety within ten (10)
48 days of registration.

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

53 (i) For a criminal sex offender being released
54 from the custody of the Department of Corrections, the responsible
55 agency is the Department of Corrections.

56 (ii) For a criminal sex offender being released
57 from a county jail, the responsible agency is the sheriff of that
58 county.

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

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

64 (v) For a criminal sex offender who is being
65 placed on probation, including conditional discharge or
66 unconditional discharge, without any sentence of incarceration,
67 the responsible agency is the sentencing court.

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

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

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

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

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

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

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

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

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

98 (vii) Section 97-5-27 relating to the
99 dissemination of sexually oriented material to children;

100 (viii) Section 97-5-33 relating to the
101 exploitation of children;

102 (ix) Section 97-5-41 relating to the carnal
103 knowledge of a stepchild, adopted child or child of a cohabiting
104 partner;

105 (x) Section 97-29-59 relating to unnatural
106 intercourse;

107 (xi) Section 97-1-7 relating to attempt to commit
108 any of the above-referenced offenses;

109 (xii) Section 97-29-3 relating to adultery or
110 fornication between teacher and pupil;

111 (xiii) Any other offense resulting in a conviction
112 in another jurisdiction, whether state, federal or military,

113 which, if committed in this state, would be deemed to be such a
114 crime without regard to its designation elsewhere;

115 (xiv) Any offense resulting in a conviction in
116 another jurisdiction, whether state, federal or military, for
117 which registration is required in the jurisdiction where the
118 conviction was had.

119 (h) "Temporary residence" is defined as a place where
120 the person abides, lodges, or resides for a period of fourteen
121 (14) or more days in the aggregate during any calendar year and
122 which is not the person's permanent address; for a person whose
123 permanent residence is not in this state, the place where the
124 person is employed, practices a vocation, or is enrolled as a
125 student for any period of time in the state; or a place where a
126 person routinely abides, lodges or resides for a period of four
127 (4) or more consecutive or nonconsecutive days in any month and
128 which is not the person's permanent residence.

129 (i) "Department" unless otherwise specified is defined
130 as the Mississippi Department of Public Safety.

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

133 45-33-25. (1) Any person residing in this state who has
134 been convicted of any sex offense or attempted sex offense or who
135 has been acquitted by reason of insanity for any sex offense or
136 attempted sex offense or twice adjudicated delinquent for any sex
137 offense or attempted sex offense shall register with the
138 Mississippi Department of Public Safety. Registration shall not
139 be required for an offense that is not a registrable sex offense.
140 The department shall provide the initial registration information
141 as well as every change of address to the sheriff of the county of
142 the residence address of the registrant through either written
143 notice, electronic or telephone transmissions, or online access to
144 registration information. Further, the department shall provide
145 this information to the Federal Bureau of Investigation.
146 Additionally, upon notification by the registrant that he intends
147 to reside outside the State of Mississippi, the department shall

148 notify the appropriate state law enforcement agency of any state
149 to which a registrant is moving or has moved.

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

152 (a) Name, including a former name which has been
153 legally changed;

154 (b) Street address;

155 (c) Place of employment;

156 (d) Crime for which convicted;

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

159 (f) Aliases used;

160 (g) Social security number;

161 (h) Date and place of birth;

162 (i) Age, race, sex, height, weight, and hair and eye
163 colors;

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

166 (k) Identifying factors;

167 (l) Anticipated future residence;

168 (m) Offense history;

169 (n) Photograph;

170 (o) Fingerprints;

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

173 (q) Biological sample;

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

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

181 (t) Any other information deemed necessary.

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

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

188 45-33-27. (1) A person required to register on the basis of
189 a conviction, adjudication of delinquency or acquittal by reason
190 of insanity entered shall register with the responsible agency
191 within three (3) days of the date of judgment unless the person is
192 immediately confined or committed, in which case the person shall
193 register when released in accordance with the procedures
194 established by the department. The person is also required to
195 personally appear at a Department of Public Safety Driver's
196 License Station within ten (10) days of registration with the
197 responsible agency.

198 (2) If a person who is required to register under this
199 section is released from prison or placed on parole or supervised
200 release, the Department of Corrections shall perform the
201 registration duties at the time of release and forward the
202 registration information to the Department of Public Safety within
203 ten (10) days. The person is also required to personally appear
204 at a Department of Public Safety Driver's License Station within
205 ten (10) days of release.

206 (3) If a person required to register under this section is
207 placed on probation, the court, at the time of entering the order,
208 shall inform the person of the duty to register, obtain the
209 registration information and forward the registration information
210 to the Department of Public Safety within ten (10) days. The
211 person is also required to personally appear at a Department of
212 Public Safety Driver's License Station within ten (10) days of the
213 entry of the order.

214 (4) Any person required to register who is neither
215 incarcerated, detained nor committed at the time the requirement
216 to register shall attach shall present himself to the county

217 sheriff who shall perform the registration duties and forward the
218 registration information to the Department of Public Safety within
219 ten (10) days. The person is also required to personally appear
220 at a Department of Public Safety Driver's License Station within
221 ten (10) days of the time the requirement to register attaches.

222 (5) An offender moving to or returning to this state from
223 another jurisdiction shall notify the Department of Public Safety
224 ten (10) days before the person first resides in or returns to a
225 county in this state and shall register with the department within
226 ten (10) days of first residing in or returning to a county of
227 this state. The offender must then present himself to the sheriff
228 of the county in which he intends to reside to provide the
229 required registration information. The person is also required to
230 personally appear at a Department of Public Safety Driver's
231 License Station within ten (10) days of first residing in or
232 moving to a county of this state.

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

240 (7) Every person required to register shall show proof of
241 domicile in this state. The commissioner shall promulgate any
242 rules and regulations necessary to enforce this requirement and
243 shall prescribe the means by which such person may show domicile
244 in this state.

245 (8) Any driver's license photograph, I.D. photograph, sex
246 offender photograph, finger print, driver's license application
247 and/or anything submitted to the Department of Public Safety by a
248 known convicted sex offender, registered or not registered, can be
249 used by the Department of Public Safety or any other authorized
250 law enforcement agency for any means necessary in registration,

251 identification, investigation regarding their tracking or
252 identification.

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

255 45-33-29. (1) Upon any change of address, an offender
256 required to register under this chapter is required to personally
257 appear at a Department of Public Safety Driver's License Station
258 not less than ten (10) days before he intends to first reside at
259 the new address.

260 (2) Upon any change in the status of a registrant's
261 enrollment, employment or vocation at any public or private
262 educational institution, including any secondary school, trade or
263 professional institution or institution of higher education, the
264 offender is required to personally appear at a Department of
265 Public Safety Driver's License Station within ten (10) days of the
266 change.

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

269 45-33-31. All registrants are required to personally appear
270 at a Department of Public Safety Driver's License Station to
271 reregister every ninety (90) days. Reregistration includes the
272 submission of current information to the department and the
273 verification of registration information, including the street
274 address and telephone number of the registrant; name, * * * street
275 address and telephone number of the registrant's employment along
276 with any other registration information that may need to be
277 verified and the payment of any required fees. A person who fails
278 to reregister as required by this section commits a violation of
279 this chapter.

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

282 45-33-33. (1) The failure of an offender to personally
283 appear at a Department of Public Safety Driver's License Station
284 or to provide any registration or other information, including,
285 but not limited to, initial registration, reregistration or change

286 of address information, or required notification to a volunteer
287 organization, as required by this chapter, is a violation of the
288 law. Additionally, forgery of information or submission of
289 information under false pretenses is also a violation of the law.

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

295 (3) Whenever it appears that an offender has failed to
296 comply with the duty to register or reregister, the department
297 shall promptly notify the sheriff of the county of the last known
298 address of the offender. Upon notification, the sheriff shall
299 attempt to locate the offender at his last known address.

300 (a) If the sheriff locates the offender, he shall
301 enforce the provisions of this chapter. The sheriff shall then
302 notify the department with the current information regarding the
303 offender.

304 (b) If the sheriff is unable to locate the offender,
305 the sheriff shall promptly notify the department and initiate a
306 criminal prosecution against the offender for the failure to
307 register or reregister. The sheriff shall make the appropriate
308 transactions into the Federal Bureau of Investigation's
309 wanted-person database.

310 (4) A first violation of this chapter may result in the
311 arrest of the offender. Upon any second or subsequent violation
312 of this chapter, the offender shall be arrested for such
313 violation.

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

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

320 **SECTION 7.** The following shall be codified as Section
321 45-33-34, Mississippi Code of 1972:

322 45-33-34. (1) It shall be the responsibility of the county
323 sheriff to notify the department when a registered sex offender is
324 reincarcerated for another offense or as the result of having
325 violated probation, parole, conditional discharge or other
326 sentence or court order.

327 (2) It shall be the responsibility of the offender,
328 offender's guardian, offender's conservator or the administrator
329 of the institution to notify the department when a registered sex
330 offender is committed to a mental institution for a reason other
331 than the initial confinement following an acquittal by reason of
332 insanity for a sex offense.

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

335 45-33-35. (1) The Mississippi Department of Public Safety
336 shall maintain a central registry of sex offender information as
337 defined in Section 45-33-25 and shall adopt rules and regulations
338 necessary to carry out this section. The responsible agencies
339 shall provide the information required in Section 45-33-25 on a
340 form developed by the department to ensure accurate information is
341 maintained.

342 (2) Upon conviction, adjudication or acquittal by reason of
343 insanity of any sex offender, if the sex offender is not
344 immediately confined or not sentenced to a term of imprisonment,
345 the clerk of the court which convicted and sentenced the sex
346 offender shall inform the person of the duty to register,
347 including the duty to personally appear at a Department of Public
348 Safety Driver's License Station, and shall perform the
349 registration duties as described in Section 45-33-23 and forward
350 the information to the department.

351 (3) Upon release from prison, placement on parole or
352 supervised release, the Department of Corrections shall inform the
353 person of the duty to register, including the duty to personally
354 appear at a Department of Public Safety Driver's License Station,

355 and shall perform the registration duties as described in Section
356 45-33-23 and forward the information to the Department of Public
357 Safety.

358 (4) Upon release from confinement in a mental institution
359 following an acquittal by reason of insanity, the director of the
360 facility shall inform the offender of the duty to register,
361 including the duty to personally appear at a Department of Public
362 Safety Driver's License Station, and shall notify the Department
363 of Public Safety of the offender's release.

364 (5) Upon release from a youthful offender facility, the
365 director of the facility shall inform the person of the duty to
366 register, including the duty to personally appear at a Department
367 of Public Safety Driver's License Station, and shall perform the
368 registration duties as described in Section 45-33-23 and forward
369 the information to the Department of Public Safety.

370 (6) In addition to performing the registration duties, the
371 responsible agency shall:

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

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

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

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

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

387 (v) Any verification of change in status of a
388 registrant's enrollment, employment or vocation at any public or
389 private educational institution, including any secondary school,

390 trade or professional institution, or institution of higher
391 education shall be reported to the department by personally
392 appearing at a Department of Public Safety Driver's License
393 Station within ten (10) days of the change.

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

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

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

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

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

410 45-33-37. (1) The Mississippi Crime Laboratory shall
411 develop a plan for and establish a deoxyribonucleic acid (DNA)
412 identification system. In implementing the plan, the Mississippi
413 Crime Laboratory shall purchase the appropriate equipment. The
414 DNA identification system as established herein shall be
415 compatible with that utilized by the Federal Bureau of
416 Investigation.

417 (2) From and after January 1, 1996, every individual
418 convicted of a sex offense or in the custody of the Mississippi
419 Department of Corrections for a sex offense as defined in Section
420 45-33-23 shall submit a biological sample for purposes of DNA
421 identification analysis before release from or transfer to a state
422 correctional facility or county jail or other detention facility.

423 (3) From and after January 1, 1996, any person having a duty
424 to register under Section 45-33-25 for whom a DNA analysis is not

425 already on file shall submit a biological sample for purposes of
426 DNA identification analysis within five (5) working days after
427 registration.

428 (4) The Mississippi Crime Laboratory shall be responsible
429 for the policy management and administration of the state DNA
430 identification record system to support law enforcement and other
431 criminal justice agencies and shall:

432 (a) Promulgate rules and regulations to implement the
433 provisions of this section; and

434 (b) Provide for cooperation with the Federal Bureau of
435 Investigation and other criminal justice agencies relating to the
436 state's participation in the Combined DNA Index System (CODIS)
437 program and the national DNA identification index or in any DNA
438 database designated by the crime laboratory.

439 (5) A DNA sample obtained in good faith shall be deemed to
440 have been obtained in accordance with the requirements of this
441 section. Any entry into the database which is found to be
442 erroneous shall not prohibit law enforcement officials from the
443 legitimate use of information in the furtherance of a criminal
444 investigation.

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

447 45-33-47. (1) A sex offender with a duty to register under
448 Section 45-33-25 shall only be relieved of the duty under
449 subsection (2) of this section.

450 (2) A person having a duty to register under Section
451 45-33-25 may petition the circuit court of the sentencing
452 jurisdiction to be relieved of that duty under the following
453 conditions:

454 (a) The offender has maintained his registration in
455 Mississippi for not less than ten (10) years from the most recent
456 date of occurrence of at least one (1) of the following: release
457 from prison, placement on parole, supervised release or probation.
458 Incarceration for any offense will restart the ten-year minimum
459 registration requirement. Registration in any other jurisdiction

460 or state does not reduce the ten-year time requirement for
461 maintaining registration in Mississippi.

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

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

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

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

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

471 (v) Section 97-5-41 relating to the carnal
472 knowledge of a stepchild, adopted child or child of a cohabiting
473 partner; or

474 (vi) Any conviction for violation of a similar law
475 of another jurisdiction.

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

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

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

491 (f) The department shall continue to list on the
492 registry the name and registration information of all registrants
493 who no longer work, reside or attend school in this state even
494 after the registrant moves to another jurisdiction and registers

495 in the new jurisdiction as required by law. The registry shall
496 note that the registrant has moved out of state.

497 (3) In determining whether to release an offender from the
498 obligation to register, the court shall consider the nature of the
499 registrable offense committed and the criminal and relevant
500 noncriminal behavior of the petitioner both before and after
501 conviction. The court may relieve the offender of the duty to
502 register only if the petitioner shows, by clear and convincing
503 evidence, that the registrant properly maintained his registration
504 as required by law and that future registration of the petitioner
505 will not serve the purposes of this chapter.

506 (4) The offender will be required to continue registration
507 for any sex offense conviction unless the conviction is set aside
508 in any post-conviction proceeding or the offender receives a
509 pardon * * *. Upon submission of the appropriate documentation to
510 the department of one (1) of these occurrences, registration
511 duties will be discontinued.

512 **SECTION 11.** Section 63-21-15, Mississippi Code of 1972, is
513 amended as follows:

514 63-21-15. (1) The application for the certificate of title
515 of a vehicle, manufactured home or mobile home in this state shall
516 be made by the owner to a designated agent, on the form the State
517 Tax Commission prescribes, and shall contain or be accompanied by
518 the following, if applicable:

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

522 (b) (i) If a vehicle, a description of the vehicle,
523 including the following data: year, make, model, vehicle
524 identification number, type of body, the number of cylinders,
525 odometer reading at the time of application, and whether new or
526 used; and

527 (ii) If a manufactured home or mobile home, a
528 description of the manufactured home or mobile home, including the

529 following data: year, make, model number, serial number and
530 whether new or used;

531 (c) The date of purchase by applicant, the name and
532 address of the person from whom the vehicle, manufactured home or
533 mobile home was acquired, and the names and addresses of any
534 lienholders in the order of their priority and the dates of their
535 security agreements;

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

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

541 "Federal and state law requires that you state the mileage in
542 connection with the transfer of ownership. Failure to complete or
543 providing a false statement may result in fine and/or
544 imprisonment.

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

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

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

554 (ii) In connection with the transfer of ownership
555 of a motor vehicle, each transferor shall disclose the mileage to
556 the transferee in writing on the title or on the document being
557 used to reassign the title, which form shall be prescribed and
558 furnished by the State Tax Commission. This written disclosure
559 must be signed by the transferor and transferee, including the
560 printed name of both parties.

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

- 563 1. A vehicle having a gross vehicle weight
564 rating of more than sixteen thousand (16,000) pounds.
- 565 2. A vehicle that is not self-propelled.
- 566 3. A vehicle that is ten (10) years old or
567 older.
- 568 4. A vehicle sold directly by the
569 manufacturer to any agency of the United States in conformity with
570 contractual specifications.
- 571 5. A transferor of a new vehicle prior to its
572 first transfer for purposes other than resale need not disclose
573 the vehicle's odometer mileage.

574 (iii) Any person who knowingly gives a false
575 statement concerning the odometer reading on an odometer
576 disclosure statement shall be guilty of a misdemeanor and, upon
577 conviction, shall be subject to a fine of up to One Thousand
578 Dollars (\$1,000.00) or imprisonment of up to one (1) year, or
579 both, at the discretion of the court. These penalties shall be
580 cumulative, supplemental and in addition to the penalties provided
581 by any other law; and

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

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

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

592 _____ (2) Has previously been declared a total loss due
593 to:

594 _____ (a) Collision;

595 _____ (b) Flood;

596 _____ (c) Fire;

597 _____ (d) Wind;

598 _____ (e) Other (please describe): _____
599 _____."

600 (2) The application shall be accompanied by such evidence as
601 the State Tax Commission reasonably requires to identify the
602 vehicle, manufactured home or mobile home and to enable the State
603 Tax Commission to determine whether the owner is entitled to a
604 certificate of title and the existence or nonexistence of security
605 interests in the vehicle, manufactured home or mobile home and
606 whether the applicant is liable for a use tax as provided by
607 Sections 27-67-1 through 27-67-33.

608 (3) If the application is for a vehicle, manufactured home
609 or mobile home purchased from a dealer, it shall contain the name
610 and address of any lienholder holding a security interest created
611 or reserved at the time of the sale and the date of his security
612 agreement and it shall be signed by the dealer as well as the
613 owner. The designated agent shall promptly mail or deliver the
614 application to the State Tax Commission.

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

619 (5) Each application shall contain or be accompanied by the
620 certificate of a designated agent that the vehicle, manufactured
621 home or mobile home has been physically inspected by him and that
622 the vehicle identification number and descriptive data shown on
623 the application, pursuant to the requirements of subsection (1)(b)
624 of this section, are correct, and also that he has identified the
625 person signing the application and witnessed the signature. If
626 the application is to receive a clear title for a vehicle for
627 which a salvage certificate of title has been issued, the
628 application shall be accompanied by a sworn affidavit that the
629 vehicle complies with the requirements of this section, Section
630 63-21-39 and the regulations promulgated by the State Tax
631 Commission under Section 63-21-39.

632 (6) If the application is for a first certificate of title
633 on a vehicle, manufactured home or mobile home other than a new
634 vehicle, manufactured home or mobile home, then the application
635 shall conform with the requirements of this section except that in
636 lieu of the manufacturer's statement of origin, the application
637 shall be accompanied by a copy of the bill of sale of said motor
638 vehicle, manufactured home or mobile home whereby the applicant
639 claims title or in lieu thereof, in the case of a motor vehicle,
640 certified copies of the last two (2) years' tag and tax receipts
641 or in lieu thereof, in any case, such other information the State
642 Tax Commission may reasonably require to identify the vehicle,
643 manufactured home or mobile home and to enable the State Tax
644 Commission to determine ownership of the vehicle, manufactured
645 home or mobile home and the existence or nonexistence of security
646 interest in it. If the application is for a vehicle, manufactured
647 home or mobile home last previously registered in another state or
648 country, the application shall also be accompanied by the
649 certificate of title issued by the other state or country, if any,
650 properly assigned.

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

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

660 (9) The State Tax Commission shall issue a certificate of
661 title or any other document applied for under this chapter to the
662 designated agent, owner or lienholder of the motor vehicle or of
663 the manufactured home or mobile home, as appropriate, not more
664 than thirty (30) days after the application and required fee
665 prescribed under Section 63-21-63 or Section 63-21-64 are received

666 unless the applicant requests expedited processing under
667 subsection (10) of this section.

668 (10) (a) The State Tax Commission shall establish an
669 expedited processing procedure for the receipt of applications and
670 the issuance of certificates of title and any other documents
671 issued under this chapter, except a replacement certificate of
672 title as provided under Section 63-21-27(2), for motor vehicles
673 and for manufactured homes or mobile homes. Any designated agent,
674 lienholder or owner requesting the issuance of any such document,
675 at his or her option, shall receive such expedited processing upon
676 payment of a fee in the amount of Thirty Dollars (\$30.00). Such
677 fee shall be in addition to the fees applicable to the issuance of
678 any such documents under Section 63-21-63 and Section 63-21-64.

679 (b) When expedited title processing is requested, the
680 applicable fees are paid and all documents and information
681 necessary for the Tax Commission to issue the certificate of title
682 or other documents applied for are received by the commission,
683 then the commission shall complete processing of the application
684 and issue the title or document applied for within seventy-two
685 (72) hours of the time of receipt, excluding weekends and
686 holidays.

687 **SECTION 12.** This act shall take effect and be in force from
688 and after June 30, 2006.

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

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 SECTION 63-21-15,
14 MISSISSIPPI CODE OF 1972, TO REQUIRE AN APPLICANT FOR A
15 CERTIFICATE OF TITLE TO A VEHICLE TO FURNISH THE APPLICANT'S
16 DRIVER'S LICENSE NUMBER; AND FOR RELATED PURPOSES.

HR03\SB2865A.1J

Don Richardson
Clerk of the House of Representatives