

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2527

BY: Committee

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

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

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

113 45-33-33. (1) (a) The failure of an offender to personally
114 appear at a Department of Public Safety Driver's License Station
115 or to provide any registration or other information, including,
116 but not limited to, initial registration, reregistration or change
117 of address information, or required notification to a volunteer
118 organization, as required by this chapter, is a violation of the
119 law. Additionally, forgery of information or submission of
120 information under false pretenses is also a violation of the law.

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

122 (i) Knowingly harbors, or knowingly attempts to
123 harbor, or knowingly assists another person in harboring or
124 attempting to harbor a sex offender who is in violation of this
125 chapter; or

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

130 (iii) Provides information to a law enforcement
131 agency regarding a sex offender which the person knows to be
132 false.

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

138 (3) Whenever it appears that an offender has failed to
139 comply with the duty to register or reregister, the department
140 shall promptly notify the sheriff of the county of the last known
141 address of the offender. Upon notification, the sheriff shall
142 attempt to locate the offender at his last known address.

143 (a) If the sheriff locates the offender, he shall
144 enforce the provisions of this chapter. The sheriff shall then
145 notify the department with the current information regarding the
146 offender.

147 (b) If the sheriff is unable to locate the offender,
148 the sheriff shall promptly notify the department and initiate a
149 criminal prosecution against the offender for the failure to
150 register or reregister. The sheriff shall make the appropriate
151 transactions into the Federal Bureau of Investigation's
152 wanted-person database.

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

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

158 (6) A person required to register under this chapter who
159 commits any act or omission in violation of this chapter may be
160 prosecuted for the act or omission in the county in which the act
161 or omission was committed, the county of the last registered
162 address of the sex offender, the county in which the conviction
163 occurred for the offense or offenses that meet the criteria

164 requiring the person to register, or in the county in which he was
165 designated a sex offender.

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

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

172 45-33-47. (1) A sex offender with a duty to register under
173 Section 45-33-25 shall only be relieved of the duty under
174 subsection (2) of this section.

175 (2) A person having a duty to register under Section
176 45-33-25 may petition the circuit court of the sentencing
177 jurisdiction, or for a person whose duty to register arose in
178 another jurisdiction, the county in which the registrant resides,
179 to be relieved of that duty under the following conditions:

180 (a) The offender has maintained his registration in
181 Mississippi for not less than ten (10) years from the most recent
182 date of occurrence of at least one (1) of the following: release
183 from prison, placement on parole, supervised release or probation.
184 Incarceration for any offense will restart the ten-year minimum
185 registration requirement. Registration in any other jurisdiction
186 or state does not reduce the ten-year time requirement for
187 maintaining registration in Mississippi.

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

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

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

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

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

197 (v) Section 97-5-41 relating to the carnal
198 knowledge of a stepchild, adopted child or child of a cohabiting
199 partner; or

200 (vi) Any conviction for violation of a similar law
201 of another jurisdiction or designation as a sexual predator in
202 another jurisdiction.

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

208 (d) An offender, twenty-one (21) years of age or older,
209 who is convicted of any sex offense where the victim was fourteen
210 (14) years of age or younger shall be subject to lifetime
211 registration and shall not be * * * relieved of the duty to
212 register.

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

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

221 (g) The department shall continue to list in the
222 registry the name and registration information of all registrants
223 who no longer work, reside or attend school in this state even
224 after the registrant moves to another jurisdiction and registers
225 in the new jurisdiction as required by law. The registry shall
226 note that the registrant moved out of state.

227 (3) In determining whether to release an offender from the
228 obligation to register, the court shall consider the nature of the
229 registrable offense committed and the criminal and relevant
230 noncriminal behavior of the petitioner both before and after
231 conviction. The court may relieve the offender of the duty to
232 register only if the petitioner shows, by clear and convincing
233 evidence, that the registrant properly maintained his registration
234 as required by law and that future registration of the petitioner
235 will not serve the purposes of this chapter and the court is
236 otherwise satisfied that the petitioner is not a current or
237 potential threat to public safety. The district attorney in the
238 circuit in which the petition is filed must be given notice of the
239 petition at least three (3) weeks before the hearing on the
240 matter. The district attorney may present evidence in opposition
241 to the requested relief or may otherwise demonstrate the reasons
242 why the petition should be denied. If the court denies the
243 petition, the court may set a future date at which the sex
244 offender may again petition the court for relief, subject to the
245 standards set forth in this section.

246 (4) The offender will be required to continue registration
247 for any sex offense conviction unless the conviction is set aside
248 in any post-conviction proceeding, the offender receives a
249 pardon, * * * the charge is dismissed or the offender has received
250 a court order pursuant to this section relieving him of the duty
251 to register. Upon submission of the appropriate documentation to
252 the department of one (1) of these occurrences, registration
253 duties will be discontinued.

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

256 47-7-35. (1) The courts referred to in Section 47-7-33 or
257 47-7-34 shall determine the terms and conditions of probation or
258 post-release supervision and may alter or modify, at any time

259 during the period of probation or post-release supervision the
260 conditions and may include among them the following or any other:

261 That the, offender shall:

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

264 (b) Avoid injurious or vicious habits;

265 (c) Avoid persons or places of disreputable or harmful
266 character;

267 (d) Report to the probation and parole officer as
268 directed;

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

271 (f) Work faithfully at suitable employment so far as
272 possible;

273 (g) Remain within a specified area;

274 (h) Pay his fine in one (1) or several sums;

275 (i) Support his dependents;

276 (j) Submit, as provided in Section 47-5-601, to any
277 type of breath, saliva or urine chemical analysis test, the
278 purpose of which is to detect the possible presence of alcohol or
279 a substance prohibited or controlled by any law of the State of
280 Mississippi or the United States.

281 (2) When any court places a defendant on misdemeanor
282 probation, the court must cause to be conducted a search of the
283 probationer's name or other identifying information against the
284 registration information regarding sex offenders maintained under
285 Title 45, Chapter 33. The search may be conducted using the
286 Internet site maintained by the Department of Public Safety Sex
287 Offender Registry.

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

290 47-7-37. The period of probation shall be fixed by the
291 court, and may at any time be extended or terminated by the court,
292 or judge in vacation. Such period with any extension thereof
293 shall not exceed five (5) years, except that in cases of desertion
294 and/or failure to support minor children, the period of probation
295 may be fixed and/or extended by the court for so long as the duty
296 to support such minor children exists.

297 At any time during the period of probation the court, or
298 judge in vacation, may issue a warrant for violating any of the
299 conditions of probation or suspension of sentence and cause the
300 probationer to be arrested. Any probation and parole officer may
301 arrest a probationer without a warrant, or may deputize any other
302 officer with power of arrest to do so by giving him a written
303 statement setting forth that the probationer has, in the judgment
304 of the probation and parole officer, violated the conditions of
305 probation. Such written statement delivered with the probationer
306 by the arresting officer to the official in charge of a county
307 jail or other place of detention shall be sufficient warrant for
308 the detention of the probationer.

309 If a probationer or offender is subject to registration as a
310 sex offender, the court must make a finding that the probationer
311 or offender is not a danger to the public prior to release with or
312 without bail. In determining the danger posed by the release of
313 the offender or probationer, the court may consider the nature and
314 circumstances of the violation and any new offenses charged; the
315 offender or probationer's past and present conduct, including
316 convictions of crimes and any record of arrests without conviction
317 for crimes involving violence or sex crimes; any other evidence of
318 allegations of unlawful sexual conduct or the use of violence by
319 the offender or probationer; the offender or probationer's family
320 ties, length of residence in the community, employment history and
321 mental condition; the offender or probationer's history and

322 conduct during the probation or other supervised release and any
323 other previous supervisions, including disciplinary records of
324 previous incarcerations; the likelihood that the offender or
325 probationer will engage again in a criminal course of conduct; the
326 weight of the evidence against the offender or probationer; and
327 any other facts the court considers relevant.

328 The probation and parole officer after making an arrest shall
329 present to the detaining authorities a similar statement of the
330 circumstances of violation. The probation and parole officer
331 shall at once notify the court of the arrest and detention of the
332 probationer and shall submit a report in writing showing in what
333 manner the probationer has violated the conditions of probation.
334 Thereupon, or upon an arrest by warrant as herein provided, the
335 court, in termtime or vacation, shall cause the probationer to be
336 brought before it and may continue or revoke all or any part of
337 the probation or the suspension of sentence, and may cause the
338 sentence imposed to be executed or may impose any part of the
339 sentence which might have been imposed at the time of conviction.

340 If the probationer is arrested in a circuit court district in
341 the State of Mississippi other than that in which he was
342 convicted, the probation and parole officer, upon the written
343 request of the sentencing judge, shall furnish to the circuit
344 court or the county court of the county in which the arrest is
345 made, or to the judge of such court, a report concerning the
346 probationer, and such court or the judge in vacation shall have
347 authority, after a hearing, to continue or revoke all or any part
348 of probation or all or any part of the suspension of sentence, and
349 may in case of revocation proceed to deal with the case as if
350 there had been no probation. In such case, the clerk of the court
351 in which the order of revocation is issued shall forward a
352 transcript of such order to the clerk of the court of original
353 jurisdiction, and the clerk of that court shall proceed as if the

354 order of revocation had been issued by the court of original
355 jurisdiction. Upon the revocation of probation or suspension of
356 sentence of any offender, such offender shall be placed in the
357 legal custody of the State Department of Corrections and shall be
358 subject to the requirements thereof.

359 Any probationer who removes himself from the State of
360 Mississippi without permission of the court placing him on
361 probation, or the court to which jurisdiction has been
362 transferred, shall be deemed and considered a fugitive from
363 justice and shall be subject to extradition as now provided by
364 law. No part of the time that one is on probation shall be
365 considered as any part of the time that he shall be sentenced to
366 serve.

367 The arresting officer, except when a probation and parole
368 officer, shall be allowed the same fees as now provided by law for
369 arrest on warrant, and such fees shall be taxed against the
370 probationer and paid as now provided by law.

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

374 **SECTION 7.** (1) Any person convicted of a sex offense is
375 prohibited from employment when he or she would have close contact
376 with children.

377 (2) This section applies to all registered sex offenders
378 regardless of the date of conviction.

379 **SECTION 8.** Section 1 of this act shall be codified in
380 Chapter 33, Title 45, Mississippi Code of 1972.

381 **SECTION 9.** This act shall take effect and be in force from
382 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 AMEND SECTION 45-33-33, MISSISSIPPI CODE
5 OF 1972, TO CREATE THE CRIME OF CONSPIRING WITH A SEX OFFENDER TO
6 ELUDE REGISTRATION AND OF PROVIDING FALSE REGISTRATION
7 INFORMATION; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972,
8 TO REQUIRE SHOWINGS OF FACT WHEN PETITIONING THE CIRCUIT COURT FOR
9 RELIEF FROM THE DUTY TO REGISTER AND TO EXPAND LIST OF OFFENDERS
10 SUBJECT TO LIFETIME REGISTRATION; TO AMEND SECTION 47-7-35,
11 MISSISSIPPI CODE OF 1972, TO MANDATE ELECTRONIC MONITORING UNDER
12 CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-7-37, MISSISSIPPI CODE
13 OF 1972, TO ENACT CERTAIN RESTRICTIONS ON THE IMPOSITION OF BAIL
14 FOR PERSONS WHO ARE REQUIRED TO REGISTER AS SEX OFFENDERS; TO
15 PROHIBIT SEX OFFENDERS FROM BEING EMPLOYED IN JOBS WHICH REQUIRE
16 CLOSE CONTACT WITH CHILDREN; AND FOR RELATED PURPOSES.