

**Adopted  
AMENDMENT NO 1 TO COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**House Bill No. 381**

**BY: Senator(s) Tollison**

1           **AMEND** by inserting after line 186 the following, renumbering  
2 subsequent sections:

3           **SECTION \*.** Section 45-33-23, Mississippi Code of 1972, is  
4 amended as follows:

5           45-33-23. For the purposes of this chapter, the following  
6 words shall have the meanings ascribed herein unless the context  
7 clearly requires otherwise:

8           (a) "Conviction" shall mean that, regarding the  
9 person's offense, there has been a determination or judgment of  
10 guilt as a result of a trial or the entry of a plea of guilty or  
11 nolo contendere regardless of whether adjudication is withheld.  
12 "Conviction of similar offenses" includes, but is not limited to,  
13 a conviction by a federal or military tribunal, including a court  
14 martial conducted by the Armed Forces of the United States, a  
15 conviction for an offense committed on an Indian Reservation or  
16 other federal property, and a conviction in any state of the  
17 United States.

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

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

23           (d) "Registration" means providing information to the  
24 appropriate agency within the time frame specified as required by  
25 this chapter.

26           (e) "Registration duties" means obtaining the  
27 registration information required on the form specified by the  
28 department as well as the photograph, fingerprints, and biological  
29 sample of the registrant. Biological samples are to be forwarded  
30 to the State Crime Laboratory pursuant to Section 45-33-37; the  
31 photograph, fingerprints and other registration information are to  
32 be forwarded to the Department of Public Safety within three (3)  
33 days of registration.

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

38           (i) For a criminal sex offender being released  
39 from the custody of the Department of Corrections, the responsible  
40 agency is the Department of Corrections.

41           (ii) For a criminal sex offender being released  
42 from a county jail, the responsible agency is the sheriff of that  
43 county.

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

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

49           (v) For a criminal sex offender who is being  
50 placed on probation, including conditional discharge or  
51 unconditional discharge, without any sentence of incarceration,  
52 the responsible agency is the sentencing court.

53           (vi) For an offender who has been committed to a  
54 mental institution following an acquittal by reason of insanity,

55 the responsible agency is the facility from which the offender is  
56 released. Specifically, the director of said facility shall  
57 notify the Department of Public Safety prior to the offender's  
58 release.

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

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

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

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

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

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

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

80 (vi) Section 97-5-23 relating to the touching of a  
81 child for lustful purposes;

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

84 (viii) Section 97-5-33 relating to the  
85 exploitation of children;

86 (ix) Section 97-5-41 relating to the carnal  
87 knowledge of a stepchild, adopted child or child of a cohabiting  
88 partner;

89 (x) Section 97-29-59 relating to unnatural  
90 intercourse;

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

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

95 (xiii) Section 3(1)(c) of House Bill 381, 2006  
96 Regular Session, relating to procuring sexual servitude of a  
97 minor;

98 (xiv) Any other offense resulting in a conviction  
99 in another jurisdiction, whether state, federal or military,  
100 which, if committed in this state, would be deemed to be such a  
101 crime without regard to its designation elsewhere;

102 (xv) Any offense resulting in a conviction in  
103 another jurisdiction, whether state, federal or military, for  
104 which registration is required in the jurisdiction where the  
105 conviction was had.

106 (h) "Temporary residence" is defined as a place where  
107 the person abides, lodges, or resides for a period of fourteen  
108 (14) or more days in the aggregate during any calendar year and  
109 which is not the person's permanent address; for a person whose  
110 permanent residence is not in this state, the place where the  
111 person is employed, practices a vocation, or is enrolled as a  
112 student for any period of time in the state; or a place where a  
113 person routinely abides, lodges or resides for a period of four  
114 (4) or more consecutive or nonconsecutive days in any month and  
115 which is not the person's permanent residence.

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

118           **FURTHER, AMEND** the title on line 7 by inserting after the  
119 **semicolon thereon the following:**

120 TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO CONFORM;