

By: Representative Mims

To: Judiciary B

HOUSE BILL NO. 482

1 AN ACT TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT FAILURE TO REGISTER AS A SEX OFFENDER SHALL BE A  
3 FELONY; TO AMEND SECTION 97-21-33, MISSISSIPPI CODE OF 1972, IN  
4 CONFORMITY; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 45-33-33, Mississippi Code of 1972, is  
7 amended as follows:

8 45-33-33. (1) (a) The failure of an offender to personally  
9 appear at a Department of Public Safety Driver's License Station  
10 or to provide any registration or other information, including,  
11 but not limited to, initial registration, reregistration or change  
12 of address information, or required notification to a volunteer  
13 organization, as required by this chapter, is a felony violation  
14 of the law punishable as provided in subsection (2) of this  
15 section. Additionally, forgery of information or submission of  
16 information under false pretenses is also a felony violation of  
17 the law punishable as provided in subsection (2) of this section.

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

19 (i) Knowingly harbors, or knowingly attempts to  
20 harbor, or knowingly assists another person in harboring or  
21 attempting to harbor a sex offender who is in violation of this  
22 chapter; or

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

27                   (iii) Provides information to a law enforcement  
28 agency regarding a sex offender which the person knows to be  
29 false.

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

35           (3) Whenever it appears that an offender has failed to  
36 comply with the duty to register or reregister, the department  
37 shall promptly notify the sheriff of the county of the last known  
38 address of the offender. Upon notification, the sheriff shall  
39 attempt to locate the offender at his last known address.

40           (a) If the sheriff locates the offender, he shall  
41 enforce the provisions of this chapter. The sheriff shall then  
42 notify the department with the current information regarding the  
43 offender.

44           (b) If the sheriff is unable to locate the offender,  
45 the sheriff shall promptly notify the department and initiate a  
46 criminal prosecution against the offender for the failure to  
47 register or reregister. The sheriff shall make the appropriate  
48 transactions into the Federal Bureau of Investigation's  
49 wanted-person database.

50           (4) A \* \* \* violation of this chapter shall result in the  
51 arrest of the offender. \* \* \*

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

54           (6) A person required to register under this chapter who  
55 commits any act or omission in violation of this chapter may be  
56 prosecuted for the act or omission in the county in which the act  
57 or omission was committed, the county of the last registered  
58 address of the sex offender, the county in which the conviction  
59 occurred for the offense or offenses that meet the criteria

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

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

66 **SECTION 2.** Section 97-21-33, Mississippi Code of 1972, is  
67 amended as follows:

68 97-21-33. Except as provided in Section 45-33-33, persons  
69 convicted of forgery shall be punished by imprisonment in the  
70 Penitentiary for a term of not less than two (2) years nor more  
71 than ten (10) years, or by a fine of not more than Ten Thousand  
72 Dollars (\$10,000.00), or both; provided, however, that when the  
73 amount of value involved is less than Five Hundred Dollars  
74 (\$500.00) in lieu of the punishment above provided for, the person  
75 convicted may be punished by imprisonment in the county jail for a  
76 term of not more than six (6) months, or by a fine of not more  
77 than One Thousand Dollars (\$1,000.00), or both, within the  
78 discretion of the court.

79 **SECTION 3.** This act shall take effect and be in force from  
80 and after its passage.