

By: Representative Mims

To: Judiciary B

HOUSE BILL NO. 489

1 AN ACT TO AMEND SECTIONS 45-33-25, 45-33-27, 45-33-29 AND
2 45-33-33, MISSISSIPPI CODE OF 1972, TO ASSESS A FEE FROM
3 REGISTERED SEX OFFENDERS TO PROVIDE PUBLIC NOTIFICATION TO THE
4 PUBLIC REGARDING THE PRESENCE OF SUCH OFFENDERS; TO PROVIDE THAT
5 THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES AND
6 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 45-33-25, Mississippi Code of 1972, is
10 amended as follows:

11 45-33-25. (1) (a) Any person residing in this state who
12 has been convicted of any sex offense or attempted sex offense or
13 who has been acquitted by reason of insanity for any sex offense
14 or attempted sex offense or twice adjudicated delinquent for any
15 sex offense or attempted sex offense shall register with the
16 Mississippi Department of Public Safety. Registration shall not
17 be required for an offense that is not a registrable sex offense.
18 The department shall provide the initial registration information
19 as well as every change of address to the sheriff of the county of
20 the residence address of the registrant through either written
21 notice, electronic or telephone transmissions, or online access to
22 registration information. Further, the department shall provide
23 this information to the Federal Bureau of Investigation.
24 Additionally, upon notification by the registrant that he intends
25 to reside outside the State of Mississippi, the department shall
26 notify the appropriate state law enforcement agency of any state
27 to which a registrant is moving or has moved.

28 (b) The department shall require registered sex
29 offenders to pay a fee in an amount determined by the department

which shall be used to provide notification to the public of the presence of the sex offender. The notification shall be in a newspaper of general circulation in the area where the registered sex offender resides and shall provide the name, address, offense for which the offender was convicted and the date of the offender's release. The department shall promulgate rules and regulations necessary to carry out the provisions of this paragraph.

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

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

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

(c) Date and place of employment;

(d) Crime for which convicted;

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

(f) Aliases used;

(g) Social security number;

(h) Date and place of birth;

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

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

(k) Identifying factors;

(l) Anticipated future residence;

(m) If the registrant's residence is a motor vehicle, trailer, mobile home or manufactured home, the registrant shall also provide vehicle identification number, license tag number, registration number and a description, including color scheme, of the motor vehicle, trailer, mobile home or manufactured home; if the registrant's place of residence is a vessel or houseboat, the

63 registrant shall also provide the hull identification number,
64 manufacturer's serial number, name of the vessel or houseboat,
65 registration number and a description, including color scheme, of
66 the vessel or houseboat;

67 (n) Vehicle make, model, color and license tag number;

68 (o) Offense history;

69 (p) Photograph;

70 (q) Fingerprints;

71 (r) Documentation of any treatment received for any
72 mental abnormality or personality disorder of the person;

73 (s) Biological sample;

74 (t) Name of any public or private educational
75 institution, including any secondary school, trade or professional
76 institution or institution of higher education at which the
77 offender is employed, carries on a vocation (with or without
78 compensation) or is enrolled as a student, and the registrant's
79 status;

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

82 (v) Any other information deemed necessary.

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

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

91 (b) A person residing within one thousand five hundred
92 (1,500) feet of the real property comprising a public or nonpublic
93 elementary or secondary school or a child care facility does not
94 commit a violation of this subsection if any of the following
95 apply:

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

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

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

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

SECTION 2. Section 45-33-27, Mississippi Code of 1972, is amended as follows:

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

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

128 (3) If a person required to register under this section is
129 placed on probation, the court, at the time of entering the order,
130 shall inform the person of the duty to register, obtain the
131 registration information and forward the registration information
132 to the Department of Public Safety within ten (10) days. The
133 person is also required to personally appear at a Department of
134 Public Safety Driver's License Station within ten (10) days of the
135 entry of the order.

136 (4) Any person required to register who is neither
137 incarcerated, detained nor committed at the time the requirement
138 to register shall attach shall present himself to the county
139 sheriff who shall perform the registration duties and forward the
140 registration information to the Department of Public Safety within
141 ten (10) days. The person is also required to personally appear
142 at a Department of Public Safety Driver's License Station within
143 ten (10) days of the time the requirement to register attaches.

144 (5) An offender moving to or returning to this state from
145 another jurisdiction shall notify the Department of Public Safety
146 ten (10) days before the person first resides in or returns to a
147 county in this state and shall register with the department within
148 ten (10) days of first residing in or returning to a county of
149 this state. The offender must then present himself to the sheriff
150 of the county in which he intends to reside to provide the
151 required registration information. The person is also required to
152 personally appear at a Department of Public Safety Driver's
153 License Station within ten (10) days of first residing in or
154 moving to a county of this state.

155 (6) A person, other than a person confined in a correctional
156 or juvenile detention facility or involuntarily committed on the
157 basis of mental illness, who is required to register on the basis
158 of a sex offense for which a conviction, adjudication of
159 delinquency or acquittal by reason of insanity was entered prior

to July 1, 1995, shall register with the sheriff of the county in which he resides no later than August 15, 2000.

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

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

(9) Every person required to register shall comply with the provisions of Section 45-33-25(1)(b).

SECTION 3. Section 45-33-29, Mississippi Code of 1972, is amended as follows:

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

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

(3) Upon any change of address, the registrant shall comply with the provisions of Section 45-33-25(1)(b).

193 **SECTION 4.** Section 45-33-33, Mississippi Code of 1972, is
194 amended as follows:

195 45-33-33. (1) (a) The failure of an offender to personally
196 appear at a Department of Public Safety Driver's License Station
197 or to provide any registration or other information, including,
198 but not limited to, initial registration, reregistration or change
199 of address information, or required notification to a volunteer
200 organization, or pay the fee required in Section 45-33-25(1)(b),
201 as required by this chapter, is a violation of the law.

202 Additionally, forgery of information or submission of information
203 under false pretenses is also a violation of the law.

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

205 (i) Knowingly harbors, or knowingly attempts to
206 harbor, or knowingly assists another person in harboring or
207 attempting to harbor a sex offender who is in violation of this
208 chapter; or

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

213 (iii) Provides information to a law enforcement
214 agency regarding a sex offender which the person knows to be
215 false.

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

221 (3) Whenever it appears that an offender has failed to
222 comply with the duty to register or reregister, the department
223 shall promptly notify the sheriff of the county of the last known
224 address of the offender. Upon notification, the sheriff shall
225 attempt to locate the offender at his last known address.

226 (a) If the sheriff locates the offender, he shall
227 enforce the provisions of this chapter. The sheriff shall then
228 notify the department with the current information regarding the
229 offender.

230 (b) If the sheriff is unable to locate the offender,
231 the sheriff shall promptly notify the department and initiate a
232 criminal prosecution against the offender for the failure to
233 register or reregister. The sheriff shall make the appropriate
234 transactions into the Federal Bureau of Investigation's
235 wanted-person database.

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

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

241 (6) A person required to register under this chapter who
242 commits any act or omission in violation of this chapter may be
243 prosecuted for the act or omission in the county in which the act
244 or omission was committed, the county of the last registered
245 address of the sex offender, the county in which the conviction
246 occurred for the offense or offenses that meet the criteria
247 requiring the person to register, or in the county in which he was
248 designated a sex offender.

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

253 **SECTION 5.** This act shall take effect and be in force from
254 and after its passage.