

By: Representatives Norquist, Franks

To: Judiciary B

HOUSE BILL NO. 785

1 AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CONFORM
2 TO THE PROVISIONS OF THE FEDERAL ADAM WALSH ACT; TO AMEND SECTION
3 45-33-23, MISSISSIPPI CODE OF 1972, TO INCLUDE A CONVICTION IN A
4 FOREIGN COUNTRY AS A REGISTRABLE SEX OFFENSE; TO AMEND SECTION
5 45-33-25, MISSISSIPPI CODE OF 1972, TO CLARIFY REPORTING OF
6 RESIDENCY, TO REQUIRE SUBMISSION OF PALM PRINTS IN ADDITION TO
7 FINGERPRINTS, AND TO REQUIRE REGISTRATION UPON A SINGLE
8 ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE; TO AMEND SECTION
9 45-33-27, MISSISSIPPI CODE OF 1972, TO REVISE WHEN THE DUTY TO
10 REGISTER SHALL ATTACH; TO AMEND SECTION 45-33-29, MISSISSIPPI CODE
11 OF 1972, TO INCLUDE CHANGE OF NAME AS A REPORTABLE EVENT; TO AMEND
12 SECTION 45-33-31, MISSISSIPPI CODE OF 1972, TO REQUIRE A CURRENT
13 PHOTOGRAPH ON EVERY REREGISTRATION; TO AMEND SECTIONS 45-33-33,
14 45-33-34, 45-33-35, 45-33-41 AND 45-33-43, MISSISSIPPI CODE OF
15 1972, TO CONFORM; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF
16 1972, TO INCLUDE KIDNAPPING OF A CHILD UNDER THE AGE OF 18 AS A
17 REGISTRABLE OFFENSE AND TO REVISE RELIEF FROM THE DUTY TO REGISTER
18 FOR THOSE CONVICTED AFTER THE EFFECTIVE DATE OF THIS ACT; TO AMEND
19 SECTION 45-33-49, MISSISSIPPI CODE OF 1972, TO REVISE WEB SITE
20 REQUIREMENTS; TO AMEND SECTION 45-33-51, MISSISSIPPI CODE OF 1972,
21 TO REVISE THE OFFENSE OF MISUSE OR ALTERATION OF SEX OFFENDER
22 REGISTRATION INFORMATION; TO AMEND SECTIONS 45-35-3 AND 63-1-35,
23 MISSISSIPPI CODE OF 1972, TO REQUIRE SEX OFFENDERS TO OBTAIN A NEW
24 DRIVER'S LICENSE, PERMIT OR NONDRIVER'S IDENTIFICATION CARD THAT
25 IDENTIFIES THE INDIVIDUAL AS A SEX OFFENDER; TO PROVIDE FOR
26 COMMUNITY NOTIFICATION; AND FOR RELATED PURPOSES.

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

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

30 45-33-23. For the purposes of this chapter, the following
31 words shall have the meanings ascribed herein unless the context
32 clearly requires otherwise:

33 (a) "Conviction" shall mean that, regarding the
34 person's offense, there has been a determination or judgment of
35 guilt as a result of a trial or the entry of a plea of guilty or
36 nolo contendere regardless of whether adjudication is withheld.
37 "Conviction of similar offenses" includes, but is not limited to,
38 a conviction by a federal or military tribunal, including a court
39 martial conducted by the Armed Forces of the United States, a

40 conviction for an offense committed on an Indian Reservation or
41 other federal property, * * * a conviction in any state of the
42 United States and a conviction in a foreign country.

43 (b) "Jurisdiction" shall mean any state court, federal
44 court, military court, Indian tribunal or foreign court.

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

48 (d) "Registration" means providing information to the
49 appropriate agency within the time frame specified as required by
50 this chapter.

51 (e) "Registration duties" means obtaining the
52 registration information required on the form specified by the
53 department as well as the photograph, fingerprints and biological
54 sample of the registrant. Biological samples are to be forwarded
55 to the State Crime Laboratory pursuant to Section 45-33-37; the
56 photograph, fingerprints and other registration information are to
57 be forwarded to the Department of Public Safety immediately.

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

62 (i) For a criminal sex offender being released
63 from the custody of the Department of Corrections, the responsible
64 agency is the Department of Corrections.

65 (ii) For a criminal sex offender being released
66 from a county jail, the responsible agency is the sheriff of that
67 county.

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

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

73 (v) For a criminal sex offender who is being
74 placed on probation, including conditional discharge or
75 unconditional discharge, without any sentence of incarceration,
76 the responsible agency is the sentencing court.

77 (vi) For an offender who has been committed to a
78 mental institution following an acquittal by reason of insanity,
79 the responsible agency is the facility from which the offender is
80 released. Specifically, the director of said facility shall
81 notify the Department of Public Safety prior to the offender's
82 release.

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

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

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

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

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

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

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

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

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

109 (viii) Section 97-5-33 relating to the
110 exploitation of children;

111 (ix) Section 97-5-41 relating to the carnal
112 knowledge of a stepchild, adopted child or child of a cohabiting
113 partner;

114 (x) Section 97-29-59 relating to unnatural
115 intercourse;

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

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

120 (xiii) Section 43-47-18 relating to sexual abuse
121 of a vulnerable adult;

122 (xiv) Section 97-3-54.1(1)(c) relating to
123 procuring sexual servitude of a minor;

124 (xv) Section 97-29-63 relating to filming another
125 without permission where there is an expectation of privacy;

126 (xvi) Any other offense resulting in a conviction
127 in another jurisdiction, whether state, federal or military,
128 which, if committed in this state, would be deemed to be such a
129 crime without regard to its designation elsewhere;

130 (xvii) Any offense resulting in a conviction in
131 another jurisdiction, whether state, federal or military, for
132 which registration is required in the jurisdiction where the
133 conviction was had.

134 (h) "Temporary residence" is defined as a place where
135 the person abides, lodges, or resides for a period of fourteen
136 (14) or more days in the aggregate during any calendar year and

137 which is not the person's permanent address; for a person whose
138 permanent residence is not in this state, the place where the
139 person is employed, practices a vocation, or is enrolled as a
140 student for any period of time in the state; or a place where a
141 person routinely abides, lodges or resides for a period of four
142 (4) or more consecutive or nonconsecutive days in any month and
143 which is not the person's permanent residence.

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

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

148 45-33-25. (1) Any person having a permanent or temporary
149 residence in this state who has been convicted of any sex offense
150 or attempted sex offense or who has been acquitted by reason of
151 insanity for any sex offense or attempted sex offense or * * *
152 adjudicated delinquent for any sex offense or attempted sex
153 offense shall register with the Mississippi Department of Public
154 Safety. Registration shall not be required for an offense that is
155 not a registrable sex offense or for an offender who is under
156 fourteen (14) years of age. The department shall provide the
157 initial registration information as well as every change of
158 address to the sheriff of the county of the residence address of
159 the registrant through either written notice, electronic or
160 telephone transmissions, or online access to registration
161 information. Further, the department shall provide this
162 information to the Federal Bureau of Investigation. Additionally,
163 upon notification by the registrant that he intends to reside
164 outside the State of Mississippi, the department shall notify the
165 appropriate state law enforcement agency of any state to which a
166 registrant is moving or has moved.

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

- 169 (a) Name, including a former name which has been
170 legally changed;
- 171 (b) Street address of all current permanent * * *
172 and * * * temporary residences within state or out of state;
- 173 (c) Date, place and address of employment;
- 174 (d) Crime for which convicted;
- 175 (e) Date and place of conviction, adjudication or
176 acquittal by reason of insanity;
- 177 (f) Aliases used;
- 178 (g) Social security number;
- 179 (h) Date and place of birth;
- 180 (i) Age, race, sex, height, weight, and hair and eye
181 colors and any other physical description or identifying factors;
- 182 (j) Text of the law defining the offense or offenses
183 for which the registration is required;
- 184 (k) Driver's license or state identification card
185 number, which license may be electronically accessed by the
186 Department of Public Safety;
- 187 (l) Anticipated future residence;
- 188 (m) If the registrant's residence is a motor vehicle,
189 trailer, mobile home or manufactured home, the registrant shall
190 also provide vehicle identification number, license tag number,
191 registration number and a description, including color scheme, of
192 the motor vehicle, trailer, mobile home or manufactured home; if
193 the registrant's place of residence is a vessel or houseboat, the
194 registrant shall also provide the hull identification number,
195 manufacturer's serial number, name of the vessel or houseboat,
196 registration number and a description, including color scheme, of
197 the vessel or houseboat;
- 198 (n) Vehicle make, model, color and license tag number;
- 199 (o) Offense history;
- 200 (p) Photograph;

201 (q) Every on-line identity, screen name or user name
202 used, registered or created by a registrant;

203 (r) Fingerprints and palm prints;

204 (s) Documentation of any treatment received for any
205 mental abnormality or personality disorder of the person;

206 (t) Biological sample;

207 (u) Name of any public or private educational
208 institution, including any secondary school, trade or professional
209 institution or institution of higher education at which the
210 offender is employed, carries on a vocation (with or without
211 compensation) or is enrolled as a student, and the registrant's
212 status;

213 (v) Copy of conviction or sentencing order for the sex
214 offense for which registration is required; and

215 (w) Any other information deemed necessary.

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

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

224 (b) A person residing within one thousand five hundred
225 (1,500) feet of the real property comprising a public or nonpublic
226 elementary or secondary school or a child care facility does not
227 commit a violation of this subsection if any of the following
228 apply:

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

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

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

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

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

243 45-33-27. (1) A person required to register on the basis of
244 a conviction, adjudication of delinquency or acquittal by reason
245 of insanity entered shall register with the responsible agency
246 within three (3) business days of the date of judgment unless the
247 person is immediately confined or committed, in which case the
248 person shall register before release in accordance with the
249 procedures established by the department. The responsible agency
250 shall immediately forward the registration information to the
251 Department of Public Safety. The person is also required to
252 personally appear at a Department of Public Safety Driver's
253 License Station within ten (10) days of the time the requirement
254 to register attaches.

255 (2) If a person who is required to register under this
256 section is released from prison or placed on parole or supervised
257 release or in a restitution center or community work center, the
258 Department of Corrections shall perform the registration duties
259 before placement in a center or before release and immediately
260 forward the registration information to the Department of Public
261 Safety * * *. The person is also required to personally appear at
262 a Department of Public Safety Driver's License Station within ten
263 (10) days of release.

264 (3) If a person required to register under this section is
265 placed on probation, the court, at the time of entering the order,
266 shall register the person * * * and immediately forward the

267 registration information to the Department of Public Safety * * *.
268 The person is also required to personally appear at a Department
269 of Public Safety Driver's License Station within ten (10) days of
270 the entry of the order.

271 (4) Any person required to register who is neither
272 incarcerated, detained nor committed at the time the requirement
273 to register attaches shall personally appear before the county
274 sheriff within three (3) business days, and shall personally
275 appear at a Department of Public Safety Driver's License Station
276 within ten (10) days of the time the requirement to register
277 attaches.

278 (5) An offender moving to or returning to this state from
279 another jurisdiction shall notify the Department of Public Safety
280 ten (10) days before the person first resides in or returns
281 to * * * this state * * *. The offender must then present himself
282 to the sheriff of the county of his residence to provide the
283 required registration information. The person is also required to
284 register by personally appearing at a Department of Public Safety
285 Driver's License Station within three (3) business days of first
286 residing in or moving to a county of this state.

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

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

298 (8) Any driver's license photograph, I.D. photograph, sex
299 offender photograph, finger print, driver's license

300 application * * * or anything submitted to the Department of
301 Public Safety by a known convicted sex offender, registered or not
302 registered, can be used by the Department of Public Safety or any
303 other authorized law enforcement agency for any means necessary in
304 registration, identification, investigation regarding their
305 tracking or identification.

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

308 45-33-29. (1) * * * An offender required to register under
309 this chapter is required to personally appear at a Department of
310 Public Safety Driver's License Station not less than ten (10) days
311 before he intends to first reside in another state.

312 (2) Upon any change in the status of a registrant's
313 enrollment, employment or vocation at any public or private
314 educational institution, including any secondary school, trade or
315 professional institution or institution of higher education, the
316 offender is required to personally appear at a Department of
317 Public Safety Driver's License Station within three (3) business
318 days of the change.

319 (3) Upon any change of address not subject to subsection
320 (1), change of employment, or change of name, a registrant is
321 required to personally appear at a Department of Public Safety
322 Driver's License Station within three (3) business days of the
323 change.

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

326 45-33-31. All registrants are required to personally appear
327 at a Department of Public Safety Driver's License Station to
328 reregister every ninety (90) days. Reregistration includes the
329 submission of current information and photograph to the department
330 and the verification of registration information, including the
331 street address and telephone number of the registrant; name,
332 street address and telephone number of the registrant's employment

333 along with any other registration information that may need to be
334 verified and the payment of any required fees. A person who fails
335 to reregister as required by this section commits a violation of
336 this chapter.

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

339 45-33-33. (1) (a) The failure of an offender to personally
340 appear at a Department of Public Safety Driver's License Station
341 or to provide any registration or other information, including,
342 but not limited to, initial registration, reregistration or change
343 of address information, change of employment, change of name or
344 required notification to a volunteer organization, as required by
345 this chapter, is a violation of the law. Additionally, forgery of
346 information or submission of information under false pretenses is
347 also a violation of the law.

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

349 (i) Knowingly harbors, or knowingly attempts to
350 harbor, or knowingly assists another person in harboring or
351 attempting to harbor a sex offender who is in violation of this
352 chapter; or

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

357 (iii) Provides information to a law enforcement
358 agency regarding a sex offender which the person knows to be
359 false.

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

365 (3) Whenever it appears that an offender has failed to
366 comply with the duty to register or reregister, the department
367 shall promptly notify the sheriff of the county of the last known
368 address of the offender. Upon notification, the sheriff shall
369 attempt to locate the offender at his last known address.

370 (a) If the sheriff locates the offender, he shall
371 enforce the provisions of this chapter. The sheriff shall then
372 notify the department with the current information regarding the
373 offender.

374 (b) If the sheriff is unable to locate the offender,
375 the sheriff shall promptly notify the department and initiate a
376 criminal prosecution against the offender for the failure to
377 register or reregister. The sheriff shall make the appropriate
378 transactions into the Federal Bureau of Investigation's
379 wanted-person database.

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

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

385 (6) A person required to register under this chapter who
386 commits any act or omission in violation of this chapter may be
387 prosecuted for the act or omission in the county in which the act
388 or omission was committed, the county of the last registered
389 address of the sex offender, the county in which the conviction
390 occurred for the offense or offenses that meet the criteria
391 requiring the person to register, or in the county in which he was
392 designated a sex offender.

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

397 **SECTION 7.** Section 45-33-34, Mississippi Code of 1972, is
398 amended as follows:

399 45-33-34. (1) The Department of Corrections and all law
400 enforcement agencies shall notify the department when a registered
401 sex offender is arrested or incarcerated for another offense or as
402 the result of having violated probation, parole, conditional
403 discharge or other sentence or court order.

404 (2) * * * The offender, offender's guardian, offender's
405 conservator or the administrator of the institution shall notify
406 the department when a registered sex offender is committed to a
407 mental institution for a reason other than the initial confinement
408 following an acquittal by reason of insanity for a sex offense.

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

411 45-33-35. (1) The Mississippi Department of Public Safety
412 shall maintain a central registry of sex offender information as
413 defined in Section 45-33-25 and shall adopt rules and regulations
414 necessary to carry out this section. The responsible agencies
415 shall provide the information required in Section 45-33-25 on a
416 form developed by the department to ensure accurate information is
417 maintained.

418 (2) Upon conviction, adjudication or acquittal by reason of
419 insanity of any sex offender, if the sex offender is not
420 immediately confined or not sentenced to a term of imprisonment,
421 the clerk of the court which convicted and sentenced the sex
422 offender shall inform the person of the duty to register,
423 including the duty to personally appear at a Department of Public
424 Safety Driver's License Station, and shall perform the
425 registration duties as described in Section 45-33-23 and forward
426 the information to the department.

427 (3) Before release from prison, or placement on parole,
428 supervised release or in a work center or restitution center, the
429 Department of Corrections shall inform the person of the duty to

430 register, including the duty to personally appear at a Department
431 of Public Safety Driver's License Station, and shall perform the
432 registration duties as described in Section 45-33-23 and forward
433 the information to the Department of Public Safety.

434 (4) Before release from confinement in a mental institution
435 following an acquittal by reason of insanity, the director of the
436 facility shall inform the offender of the duty to register,
437 including the duty to personally appear at a Department of Public
438 Safety Driver's License Station, and shall notify the Department
439 of Public Safety of the offender's release.

440 (5) Before release from a youthful offender facility, the
441 director of the facility shall inform the person of the duty to
442 register, including the duty to personally appear at a Department
443 of Public Safety Driver's License Station, and shall perform the
444 registration duties as described in Section 45-33-23 and forward
445 the information to the Department of Public Safety.

446 (6) In addition to performing the registration duties, the
447 responsible agency shall:

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

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

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

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

460 (iv) * * * Address verifications shall be made by
461 personally appearing at a Department of Public Safety Driver's
462 License Station within the required time period.

463 (v) Notification or verification of a change in
464 status of a registrant's enrollment, employment or vocation at any
465 public or private educational institution, including any secondary
466 school, trade or professional institution, or institution of
467 higher education shall be reported to the department by personally
468 appearing at a Department of Public Safety Driver's License
469 Station within three (3) business days of the change.

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

475 (vii) Upon any change of name or employment, a
476 registrant is required to personally appear at a Department of
477 Public Safety Driver's License Station within three (3) business
478 days of the change.

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

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

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

488 **SECTION 9.** Section 45-33-41, Mississippi Code of 1972, is
489 amended as follows:

490 45-33-41. (1) The Department of Corrections or any person
491 having charge of a county or municipal jail or any juvenile
492 detention facility shall provide written notification to an inmate
493 or offender in the custody of the jail or other facility due to a
494 conviction of or adjudication for a sex offense of the
495 registration and notification requirements of Sections 45-33-25,

496 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or
497 offender's confinement and release from confinement, and shall
498 receive a signed acknowledgment of receipt on both occasions.

499 (2) Before release from confinement, the Department of
500 Corrections shall notify the victim of the offense or a designee
501 of the immediate family of the victim regarding the date when the
502 offender's release shall occur, provided a current address of the
503 victim or designated family member has been furnished in writing
504 to the Director of Records for such purpose.

505 **SECTION 10.** Section 45-33-43, Mississippi Code of 1972, is
506 amended as follows:

507 45-33-43. At the time a person surrenders a driver's license
508 from another jurisdiction or makes an application for a driver's
509 license, temporary driving permit, intermediate license,
510 commercial driver's license or identification card issued under
511 Section 45-35-3, the department shall provide the applicant with
512 written information on the registration requirements of this
513 chapter and shall require written acknowledgement by the applicant
514 of receipt of the notification.

515 **SECTION 11.** Section 45-33-47, Mississippi Code of 1972, is
516 amended as follows:

517 **[For offenders convicted of a sex offense committed before**
518 **July 1, 2007, this section shall read as follows:]**

519 45-33-47. (1) A sex offender with a duty to register under
520 Section 45-33-25 shall only be relieved of the duty under
521 subsection (2) of this section.

522 (2) A person having a duty to register under Section
523 45-33-25 may petition the circuit court of the sentencing
524 jurisdiction, or for a person whose duty to register arose in
525 another jurisdiction, the county in which the registrant resides,
526 to be relieved of that duty under the following conditions:

527 (a) The offender has maintained his registration in
528 Mississippi for not less than ten (10) years from the most recent

529 date of occurrence of at least one (1) of the following: release
530 from prison, placement on parole, supervised release or probation.
531 Incarceration for any offense will restart the ten-year minimum
532 registration requirement. Registration in any other jurisdiction
533 or state does not reduce the ten-year time requirement for
534 maintaining registration in Mississippi.

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

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

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

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

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

544 (v) Section 97-5-41 relating to the carnal
545 knowledge of a stepchild, adopted child or child of a cohabiting
546 partner; * * *

547 (vi) Any conviction for violation of a similar law
548 of another jurisdiction or designation as a sexual predator in
549 another jurisdiction; or

550 (vii) Section 97-3-53 relating to kidnapping if
551 the victim is under the age of eighteen (18).

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

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

561 (e) An offender * * * adjudicated delinquent in a youth
562 court for the crime of rape pursuant to Section 96-3-65 or sexual
563 battery pursuant to Section 97-3-95 is subject to lifetime
564 registration and shall not be eligible to petition to be relieved
565 of the duty to register.

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

569 (g) The department shall continue to list in the
570 registry the name and registration information of all registrants
571 who no longer work, reside or attend school in this state even
572 after the registrant moves to another jurisdiction and registers
573 in the new jurisdiction as required by law. The registry shall
574 note that the registrant moved out of state.

575 (3) In determining whether to release an offender from the
576 obligation to register, the court shall consider the nature of the
577 registrable offense committed and the criminal and relevant
578 noncriminal behavior of the petitioner both before and after
579 conviction. The court may relieve the offender of the duty to
580 register only if the petitioner shows, by clear and convincing
581 evidence, that the registrant properly maintained his registration
582 as required by law and that future registration of the petitioner
583 will not serve the purposes of this chapter and the court is
584 otherwise satisfied that the petitioner is not a current or
585 potential threat to public safety. The district attorney in the
586 circuit in which the petition is filed must be given notice of the
587 petition at least three (3) weeks before the hearing on the
588 matter. The district attorney may present evidence in opposition
589 to the requested relief or may otherwise demonstrate the reasons
590 why the petition should be denied. If the court denies the
591 petition, the petitioner may not again petition the court for
592 relief until one (1) year has elapsed unless the court orders
593 otherwise in its order of denial of relief.

594 (4) The offender will be required to continue registration
595 for any sex offense conviction unless the conviction is set aside
596 in any post-conviction proceeding, the offender receives a pardon,
597 the charge is dismissed or the offender has received a court order
598 pursuant to this section relieving him of the duty to register.
599 Upon submission of the appropriate documentation to the department
600 of one (1) of these occurrences, registration duties will be
601 discontinued.

602 **[For sex offenders convicted of a sex offense committed on or**
603 **after July 1, 2007, this section shall read as follows:]**

604 45-33-47. (1) A sex offender with a duty to register under
605 Section 45-33-25 shall only be relieved of the duty under
606 subsection (2) of this section.

607 (2) A person having a duty to register under Section
608 45-33-25 may petition the circuit court of the sentencing
609 jurisdiction, or for a person whose duty to register arose in
610 another jurisdiction, the county in which the registrant resides,
611 to be relieved of that duty under the following conditions:

612 (a) The offender has maintained his registration in
613 Mississippi for not less than twenty-five (25) years from the most
614 recent date of occurrence of at least one (1) of the following:
615 release from prison, placement on parole, supervised release or
616 probation. Incarceration for any offense will restart the
617 twenty-five-year minimum registration requirement. Registration
618 in any other jurisdiction or state does not reduce the
619 twenty-five-year time requirement for maintaining registration in
620 Mississippi.

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

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

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

627 (iii) Section 97-3-95 relating to sexual battery;
628 (iv) Subsection (1) or (2) of Section 97-5-33
629 relating to the exploitation of children;
630 (v) Section 97-5-41 relating to the carnal
631 knowledge of a stepchild, adopted child or child of a cohabiting
632 partner; * * *
633 (vi) Any conviction for violation of a similar law
634 of another jurisdiction or designation as a sexual predator in
635 another jurisdiction; or
636 (vii) Section 97-3-53 relating to kidnapping if
637 the victim is under the age of eighteen (18).
638 (c) An offender who has two (2) separate convictions
639 for any of the offenses described in Section 45-33-23 is subject
640 to lifetime registration and shall not be eligible to petition to
641 be relieved of the duty to register as long as at least one (1) of
642 the convictions was entered on or after July 1, 1995.
643 (d) An offender, twenty-one (21) years of age or older,
644 who is convicted of any sex offense where the victim was fourteen
645 (14) years of age or younger shall be subject to lifetime
646 registration and shall not be relieved of the duty to register.
647 (e) An offender * * * adjudicated delinquent in a youth
648 court for the crime of rape pursuant to Section 96-3-65 or sexual
649 battery pursuant to Section 97-3-95 is subject to lifetime
650 registration and shall not be eligible to petition to be relieved
651 of the duty to register.
652 (f) Registration following arrest or arraignment for
653 failure to register is not a defense and does not relieve the sex
654 offender of criminal liability for failure to register.
655 (g) The department shall continue to list in the
656 registry the name and registration information of all registrants
657 who no longer work, reside or attend school in this state even
658 after the registrant moves to another jurisdiction and registers

659 in the new jurisdiction as required by law. The registry shall
660 note that the registrant moved out of state.

661 (3) In determining whether to release an offender from the
662 obligation to register, the court shall consider the nature of the
663 registrable offense committed and the criminal and relevant
664 noncriminal behavior of the petitioner both before and after
665 conviction. The court may relieve the offender of the duty to
666 register only if the petitioner shows, by clear and convincing
667 evidence, that the registrant properly maintained his registration
668 as required by law and that future registration of the petitioner
669 will not serve the purposes of this chapter and the court is
670 otherwise satisfied that the petitioner is not a current or
671 potential threat to public safety. The district attorney in the
672 circuit in which the petition is filed must be given notice of the
673 petition at least three (3) weeks before the hearing on the
674 matter. The district attorney may present evidence in opposition
675 to the requested relief or may otherwise demonstrate the reasons
676 why the petition should be denied. If the court denies the
677 petition, the petitioner may not again petition the court for
678 relief until one (1) year has elapsed unless the court orders
679 otherwise in its order of denial of relief.

680 (4) The offender will be required to continue registration
681 for any sex offense conviction unless the conviction is set aside
682 in any post-conviction proceeding, the offender receives a pardon,
683 the charge is dismissed or the offender has received a court order
684 pursuant to this section relieving him of the duty to register.
685 Upon submission of the appropriate documentation to the department
686 of one (1) of these occurrences, registration duties will be
687 discontinued.

688 **SECTION 12.** Section 45-33-49, Mississippi Code of 1972, is
689 amended as follows:

690 45-33-49. (1) Records maintained pursuant to this chapter
691 shall be open to law enforcement agencies which shall be

692 authorized to release relevant and necessary information regarding
693 sex offenders to the public.

694 (2) The identity of a victim of an offense that requires
695 registration under this chapter shall not be released.

696 (3) A sheriff shall maintain records for registrants of the
697 county and shall make available to any person upon request the
698 name, address, place of employment, crime for which convicted,
699 date and place of conviction of any registrant, and any other
700 information deemed necessary for the protection of the public.
701 The sheriffs shall be responsible for verifying their respective
702 registries annually against the department's records to ensure
703 current information is available at both levels.

704 (4) Upon written request, the department may also provide to
705 any person the name, address, photograph, if available, date of
706 photograph, place of employment, crime for which convicted, date
707 and place of conviction of any registrant, hair, eye color,
708 height, race, sex and date of birth of any registrant, and any
709 other information deemed necessary for the protection of the
710 public. * * *

711 (5) The Department of Public Safety shall maintain an
712 Internet site in a manner that will permit the public to obtain
713 relevant information for each sex offender in the registry. The
714 Web site shall permit the public to obtain relevant information
715 for each offender by a single query for any given zip code or
716 geographic radius set by the user, such as a municipality or
717 county. The Department of Public Safety shall participate in the
718 DruSjodin National Sex Offender Public Web site.

719 (6) The Department of Education, the Mississippi Private
720 School Association and the Department of Health shall notify all
721 schools and licensed day care centers annually regarding the
722 availability upon request of this information.

723 (7) Nothing in this section shall be construed to prevent
724 law enforcement officers from notifying members of the public

725 exposed to danger of any circumstances or individuals that pose a
726 danger under circumstances that are not enumerated in this
727 section.

728 (8) Nothing in this chapter shall be construed to prevent
729 law enforcement officers from providing community notification of
730 any circumstances or individuals that pose or could pose a danger
731 under circumstances that are not enumerated in this chapter.

732 **SECTION 13.** Section 45-33-51, Mississippi Code of 1972, is
733 amended as follows:

734 45-33-51. (1) Any person who willfully misuses or alters
735 public record information relating to a sex offender, sexual
736 predator, or a person residing or working at an address reported
737 by a sex offender, including information displayed by law
738 enforcement agencies on Web sites, shall be guilty of a
739 misdemeanor and shall be punished by a fine of not more than One
740 Thousand Dollars (\$1,000.00) or imprisonment in the county jail
741 not more than six (6) months, or both.

742 (2) The sale or exchange of sex offender information for
743 profit is prohibited. Any violation of this subsection (2) is a
744 misdemeanor and shall be punished by a fine of not more than One
745 Thousand Dollars (\$1,000.00) or imprisonment in the county jail
746 not more than six (6) months, or both.

747 **SECTION 14.** Section 45-35-3, Mississippi Code of 1972, is
748 amended as follows:

749 45-35-3. (1) Any person six (6) years of age or older may
750 be issued an identification card by the department which is
751 certified by the registrant and attested by the commissioner as to
752 true name, correct age and such other identifying data as required
753 by Section 45-35-5.

754 (2) The new, duplicate or renewal identification card of a
755 person required to register as a sex offender pursuant to Section
756 45-33-25 shall bear a designation identifying the card holder as a
757 sex offender.

758 **SECTION 15.** Section 63-1-35, Mississippi Code of 1972, is
759 amended as follows:

760 63-1-35. (1) The Commissioner of Public Safety shall
761 prescribe the form of licenses issued pursuant to this article
762 which shall, among other features, include a driver's license
763 number assigned by the Department of Public Safety which, at the
764 option of the licensee, may or may not be the social security
765 number of the licensee. A licensee who chooses not to use his
766 social security number as his driver's license number, except as
767 otherwise provided under subsection (2) of this section, shall
768 list his social security number with the department which shall
769 cross reference the social security number with the driver's
770 license number for purposes of identification. Additionally, each
771 license shall bear a full face color photograph of the licensee in
772 such form that the license and the photograph cannot be separated.
773 Such photograph shall be taken so that one (1) exposure will
774 photograph the applicant and the application simultaneously on the
775 same film. The department shall use a process in the issuance of
776 a license with a color photograph which shall prevent as nearly as
777 possible any alteration, counterfeiting, duplication,
778 reproduction, forging or modification of such license or the
779 superimposition of a photograph without ready detection. Such
780 photograph shall be replaced by the department at the time of
781 renewal. Driver licenses, including photographs appearing
782 thereon, may be renewed by electronic means according to rules and
783 regulations promulgated by the commissioner. The Department of
784 Public Safety may accept bank credit cards and debit cards in
785 payment of fees for driver license renewals that are processed by
786 electronic means and, if authorized by general law, may charge an
787 additional fee for the use of such cards.

788 (2) The commissioner shall prescribe the form of licenses
789 issued pursuant to this article to licensees who are not United
790 States citizens and who do not possess a social security number

791 issued by the United States government. The licenses of such
792 persons shall include a number and/or other identifying features.

793 (3) Any new, duplicate or renewal driver's license,
794 temporary driving permit, intermediate license or commercial
795 driver's license issued to a person required to register as a sex
796 offender pursuant to Section 45-33-25 shall bear a designation
797 identifying the licensee or permittee as a sex offender.

798 **SECTION 16.** (1) Upon receipt of sex offender registration
799 or change of registration information, the Department of Public
800 Safety shall immediately provide the information to:

801 (a) The National Sex Offender Registry or other
802 appropriate databases;

803 (b) The sheriff of the county where the offender
804 resides, is an employee, or is a student;

805 (c) The sheriff of the county from which or to which a
806 change of residence, employment or student status occurs; and

807 (d) The Department of Human Services.

808 (2) The Department of Public Safety shall also provide the
809 information within five (5) business days to volunteer
810 organizations in which contact with minors or vulnerable adults
811 might occur and any organization, company or individual who
812 requests such notification pursuant to procedures established by
813 the Department of Public Safety.

814 **SECTION 17.** This act shall take effect and be in force from
815 and after July 1, 2007.