

By: Representatives McBride, Reynolds

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1015

1 AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CONFORM  
2 TO THE FEDERAL ADAM WALSH ACT; TO AMEND SECTION 45-33-23,  
3 MISSISSIPPI CODE OF 1972, TO INCLUDE A CONVICTION IN A FOREIGN  
4 COUNTRY AS A REGISTRABLE SEX OFFENSE; TO AMEND SECTION 45-33-25,  
5 MISSISSIPPI CODE OF 1972, TO CLARIFY REPORTING OF RESIDENCY, TO  
6 REQUIRE SUBMISSION OF PALM PRINTS IN ADDITION TO FINGERPRINTS, AND  
7 TO REQUIRE REGISTRATION UPON A SINGLE ADJUDICATION OF DELINQUENCY  
8 FOR A SEX OFFENSE; TO AMEND SECTION 45-33-27, MISSISSIPPI CODE OF  
9 1972, TO REVISE WHEN THE DUTY TO REGISTER SHALL ATTACH; TO AMEND  
10 SECTION 45-33-29, MISSISSIPPI CODE OF 1972, TO INCLUDE CHANGE OF  
11 NAME AS A REPORTABLE EVENT; TO AMEND SECTION 45-33-31, MISSISSIPPI  
12 CODE OF 1972, TO REQUIRE A CURRENT PHOTOGRAPH ON EVERY  
13 REREGISTRATION; TO AMEND SECTIONS 45-33-33, 45-33-34, 45-33-35 AND  
14 45-33-43, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION  
15 45-33-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND  
16 SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO INCLUDE KIDNAPPING  
17 OF A CHILD UNDER THE AGE OF 18 AS A REGISTRABLE OFFENSE AND TO  
18 REVISE RELIEF FROM THE DUTY TO REGISTER FOR THOSE CONVICTED AFTER  
19 THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION 45-33-51,  
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION  
21 45-33-59, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO THE  
22 EMPLOYER TO BE IN WRITING; TO AMEND SECTION 47-7-35, MISSISSIPPI  
23 CODE OF 1972, TO REQUIRE REGISTRATION AS A SEX OFFENDER AS A  
24 CONDITION OF PROBATION FOR THOSE CONVICTED OF A SEX OFFENSE; TO  
25 AMEND SECTIONS 45-35-3 AND 63-1-35, MISSISSIPPI CODE OF 1972, TO  
26 REQUIRE SEX OFFENDERS TO OBTAIN A NEW DRIVER'S LICENSE, PERMIT OR  
27 NONDRIVER'S IDENTIFICATION CARD THAT IDENTIFIES THE INDIVIDUAL AS  
28 A SEX OFFENDER; TO PROVIDE FOR THE SHARING OF INFORMATION; AND FOR  
29 RELATED PURPOSES.

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

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

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

36 (a) "Conviction" shall mean that, regarding the  
37 person's offense, there has been a determination or judgment of  
38 guilt as a result of a trial or the entry of a plea of guilty or  
39 nolo contendere regardless of whether adjudication is withheld.  
40 "Conviction of similar offenses" includes, but is not limited to,

41 a conviction by a federal or military tribunal, including a court  
42 martial conducted by the Armed Forces of the United States, a  
43 conviction for an offense committed on an Indian Reservation or  
44 other federal property, \* \* \* a conviction in any state of the  
45 United States and a conviction in a foreign country if the foreign  
46 country's judicial system is such that it satisfies minimum due  
47 process set forth in the guidelines under Section 111(5)(B) Public  
48 Law 109-28.

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

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

54 (d) "Registration" means providing information to the  
55 appropriate agency within the time frame specified as required by  
56 this chapter.

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

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

68 (i) For a criminal sex offender being released  
69 from the custody of the Department of Corrections, the responsible  
70 agency is the Department of Corrections.

71 (ii) For a criminal sex offender being released  
72 from a county jail, the responsible agency is the sheriff of that  
73 county.

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

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

79 (v) For a criminal sex offender who is being  
80 placed on probation, including conditional discharge or  
81 unconditional discharge, without any sentence of incarceration,  
82 the responsible agency is the sentencing court.

83 (vi) For an offender who has been committed to a  
84 mental institution following an acquittal by reason of insanity,  
85 the responsible agency is the facility from which the offender is  
86 released. Specifically, the director of said facility shall  
87 notify the Department of Public Safety prior to the offender's  
88 release.

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

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

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

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

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

103 (iv) Section 97-3-95 relating to sexual battery;  
104 however, conviction or adjudication under Section 97-3-95(1)(c) on  
105 or after July 1, 1998, when the offender was eighteen (18) years

106 of age or younger at the time of the alleged offense, shall not be  
107 a registrable sex offense;

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

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

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

115 (viii) Section 97-5-33 relating to the  
116 exploitation of children;

117 (ix) Section 97-5-41 relating to the carnal  
118 knowledge of a stepchild, adopted child or child of a cohabiting  
119 partner;

120 (x) Section 97-29-59 relating to unnatural  
121 intercourse;

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

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

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

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

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

132 (xvi) Any other offense resulting in a conviction  
133 in another jurisdiction \* \* \* which, if committed in this state,  
134 would be deemed to be such a crime without regard to its  
135 designation elsewhere;

136 (xvii) Any offense resulting in a conviction in  
137 another jurisdiction \* \* \* for which registration is required in  
138 the jurisdiction where the conviction was had;

139                   (xviii) Any conviction of conspiracy to commit,  
140 accessory to commission, or attempt to commit any offense listed  
141 in this section.

142           (h) "Temporary residence" is defined as a place where  
143 the person abides, lodges, or resides for a period of fourteen  
144 (14) or more days in the aggregate during any calendar year and  
145 which is not the person's permanent address; for a person whose  
146 permanent residence is not in this state, the place where the  
147 person is employed, practices a vocation, or is enrolled as a  
148 student for any period of time in the state; or a place where a  
149 person routinely abides, lodges or resides for a period of four  
150 (4) or more consecutive or nonconsecutive days in any month and  
151 which is not the person's permanent residence.

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

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

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

172 appropriate state law enforcement agency of any state to which a  
173 registrant is moving or has moved.

174 (b) Except as provided in paragraph (c), any person  
175 having a permanent or temporary residence in this state who has  
176 been adjudicated delinquent of any offense listed in this  
177 paragraph shall register as a sex offender with the Mississippi  
178 Department of Public Safety:

179 (i) Section 97-3-71 relating to rape and assault  
180 with intent to ravish;

181 (ii) Section 97-3-95 relating to sexual battery;

182 (iii) Section 97-3-65 relating to statutory rape;

183 or

184 (iv) Conspiracy to commit, accessory to the  
185 commission of, or attempt to commit any offense listed in this  
186 paragraph.

187 (c) A person who has been adjudicated delinquent for an  
188 offense that did not involve a violation of Section 97-3-71,  
189 97-3-95 or 97-3-65 is not required to register if the person is  
190 under seventeen (17) years of age and the victim is at least  
191 fourteen (14) years of age.

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

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

196 (b) Street address of all current permanent \* \* \*  
197 and \* \* \* temporary residences within state or out of state;

198 (c) Date, place and address of employment;

199 (d) Crime for which convicted;

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

202 (f) Aliases used;

203 (g) Social security number;

204 (h) Date and place of birth;

205 (i) Age, race, sex, height, weight, \* \* \* hair and eye  
206 colors, and any other physical description or identifying factors;

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

209 (k) Driver's license or state identification card  
210 number, which license or card may be electronically accessed by  
211 the Department of Public Safety;

212 (l) Anticipated future residence;

213 (m) If the registrant's residence is a motor vehicle,  
214 trailer, mobile home or manufactured home, the registrant shall  
215 also provide vehicle identification number, license tag number,  
216 registration number and a description, including color scheme, of  
217 the motor vehicle, trailer, mobile home or manufactured home; if  
218 the registrant's place of residence is a vessel or houseboat, the  
219 registrant shall also provide the hull identification number,  
220 manufacturer's serial number, name of the vessel or houseboat,  
221 registration number and a description, including color scheme, of  
222 the vessel or houseboat;

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

224 (o) Offense history;

225 (p) Photograph;

226 (q) Fingerprints and palm prints;

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

229 (s) Biological sample;

230 (t) Name of any public or private educational  
231 institution, including any secondary school, trade or professional  
232 institution or institution of higher education at which the  
233 offender is employed, carries on a vocation (with or without  
234 compensation) or is enrolled as a student, and the registrant's  
235 status;

236 (u) Copy of conviction or sentencing order for the sex  
237 offense for which registration is required; \* \* \*

238           (v) The offender's parole, probation or supervised  
239 release status and the existence of any outstanding arrest  
240 warrants;

241           (w) Every online identity, screen name or username  
242 used, registered or created by a registrant; and

243           (x) Any other information deemed necessary.

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

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

252           (b) A person residing within one thousand five hundred  
253 (1,500) feet of the real property comprising a public or nonpublic  
254 elementary or secondary school or a child care facility does not  
255 commit a violation of this subsection if any of the following  
256 apply:

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

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

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

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



269           (5) The Department of Public Safety is required to obtain  
270 the text of the law defining the offense or offenses for which the  
271 registration is required.

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

274           45-33-27. (1) A person required to register on the basis of  
275 a conviction, adjudication of delinquency or acquittal by reason  
276 of insanity entered shall register with the responsible agency  
277 within three (3) business days of the date of judgment unless the  
278 person is immediately confined or committed, in which case the  
279 person shall register before release in accordance with the  
280 procedures established by the department. The responsible agency  
281 shall immediately forward the registration information to the  
282 Department of Public Safety. The person is also required to  
283 personally appear at a Department of Public Safety Driver's  
284 License Station within ten (10) days of registration with the  
285 responsible agency and to obtain a sex offender registration card.

286           (2) If a person who is required to register under this  
287 section is released from prison or placed on parole or supervised  
288 release or in a restitution center or community work center, the  
289 Department of Corrections shall perform the registration duties  
290 before placement in a center or before release and immediately  
291 forward the registration information to the Department of Public  
292 Safety \* \* \*. The person is also required to personally appear at  
293 a Department of Public Safety Driver's License Station within ten  
294 (10) days of release or placement in a restitution center or  
295 community work center.

296           (3) If a person required to register under this section is  
297 placed on probation, the court, at the time of entering the order,  
298 shall register the person \* \* \* and immediately forward the  
299 registration information to the Department of Public Safety \* \* \*.  
300 The person is also required to personally appear at a Department

301 of Public Safety Driver's License Station within ten (10) days of  
302 the entry of the order.

303 (4) Any person required to register who is neither  
304 incarcerated, detained nor committed at the time the requirement  
305 to register attaches shall present himself to the county sheriff  
306 to register within three (3) business days, and shall \* \* \*  
307 personally appear at a Department of Public Safety Driver's  
308 License Station within ten (10) days of the time the requirement  
309 to register attaches.

310 (5) An offender moving to or returning to this state from  
311 another jurisdiction shall notify the Department of Public Safety  
312 ten (10) days before the person first resides in or returns  
313 to \* \* \* this state and shall \* \* \* present himself to the sheriff  
314 of the county of his residence within three (3) business days  
315 after first residing in or returning to a county of this state to  
316 provide the required registration information. The person is also  
317 required to register by personally appearing at a Department of  
318 Public Safety Driver's License Station within ten (10) days after  
319 first residing in or moving to a county of this state.

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

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

331 (8) Any driver's license photograph, I.D. photograph, sex  
332 offender photograph, finger print, driver's license application  
333 and/or anything submitted to the Department of Public Safety by a

334 known convicted sex offender, registered or not registered, can be  
335 used by the Department of Public Safety or any other authorized  
336 law enforcement agency for any means necessary in registration,  
337 identification, investigation regarding their tracking or  
338 identification.

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

341 45-33-29. (1) Upon any change of address, an offender  
342 required to register under this chapter is required to personally  
343 appear at a Department of Public Safety Driver's License Station  
344 not less than ten (10) days before he intends to first reside at  
345 the new address.

346 (2) Upon any change in the status of a registrant's  
347 enrollment, employment or vocation at any public or private  
348 educational institution, including any secondary school, trade or  
349 professional institution or institution of higher education, the  
350 offender is required to personally appear at a Department of  
351 Public Safety Driver's License Station within three (3) business  
352 days of the change.

353 (3) Upon any change of employment or change of name, a  
354 registrant is required to personally appear at a Department of  
355 Public Safety Driver's License Station within three (3) business  
356 days of the change.

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

359 45-33-31. All registrants are required to personally appear  
360 at a Department of Public Safety Driver's License Station to  
361 reregister every ninety (90) days. Reregistration includes the  
362 submission of current information and photograph to the department  
363 and the verification of registration information, including the  
364 street address and telephone number of the registrant; name,  
365 street address and telephone number of the registrant's employment  
366 along with any other registration information that may need to be

367 verified and the payment of any required fees. A person who fails  
368 to reregister and obtain a renewal sex offender registration card  
369 as required by this section commits a violation of this chapter.

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

372 45-33-33. (1) (a) The failure of an offender to personally  
373 appear at a Department of Public Safety Driver's License Station  
374 or to provide any registration or other information, including,  
375 but not limited to, initial registration, reregistration or change  
376 of address information, change of employment, change of name or  
377 required notification to a volunteer organization, as required by  
378 this chapter, is a violation of the law. Additionally, forgery of  
379 information or submission of information under false pretenses is  
380 also a violation of the law.

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

382 (i) Knowingly harbors, or knowingly attempts to  
383 harbor, or knowingly assists another person in harboring or  
384 attempting to harbor a sex offender who is in violation of this  
385 chapter; or

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

390 (iii) Provides information to a law enforcement  
391 agency regarding a sex offender which the person knows to be  
392 false.

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

398 (3) Whenever it appears that an offender has failed to  
399 comply with the duty to register or reregister, the department

400 shall promptly notify the sheriff of the county of the last known  
401 address of the offender. Upon notification, the sheriff shall  
402 attempt to locate the offender at his last known address.

403 (a) If the sheriff locates the offender, he shall  
404 enforce the provisions of this chapter. The sheriff shall then  
405 notify the department with the current information regarding the  
406 offender.

407 (b) If the sheriff is unable to locate the offender,  
408 the sheriff shall promptly notify the department and initiate a  
409 criminal prosecution against the offender for the failure to  
410 register or reregister. The sheriff shall make the appropriate  
411 transactions into the Federal Bureau of Investigation's  
412 wanted-person database.

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

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

418 (6) A person required to register under this chapter who  
419 commits any act or omission in violation of this chapter may be  
420 prosecuted for the act or omission in the county in which the act  
421 or omission was committed, the county of the last registered  
422 address of the sex offender, the county in which the conviction  
423 occurred for the offense or offenses that meet the criteria  
424 requiring the person to register, or in the county in which he was  
425 designated a sex offender.

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

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

432           45-33-34. (1) \* \* \* The Department of Corrections and all  
433 law enforcement agencies shall notify the department when a  
434 registered sex offender is arrested or incarcerated for another  
435 offense or as the result of having violated probation, parole,  
436 conditional discharge or other sentence or court order.

437           (2) \* \* \* The offender, offender's guardian, offender's  
438 conservator or the administrator of the institution shall notify  
439 the department when a registered sex offender is committed to a  
440 mental institution for a reason other than the initial confinement  
441 following an acquittal by reason of insanity for a sex offense.

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

444           45-33-35. (1) The Mississippi Department of Public Safety  
445 shall maintain a central registry of sex offender information as  
446 defined in Section 45-33-25 and shall adopt rules and regulations  
447 necessary to carry out this section. The responsible agencies  
448 shall provide the information required in Section 45-33-25 on a  
449 form developed by the department to ensure accurate information is  
450 maintained.

451           (2) Upon conviction, adjudication or acquittal by reason of  
452 insanity of any sex offender, if the sex offender is not  
453 immediately confined or not sentenced to a term of imprisonment,  
454 the clerk of the court which convicted and sentenced the sex  
455 offender shall inform the person of the duty to register,  
456 including the duty to personally appear at a Department of Public  
457 Safety Driver's License Station, and shall perform the  
458 registration duties as described in Section 45-33-23 and forward  
459 the information to the department.

460           (3) Before release from prison or placement on parole,  
461 supervised release or in a work center or restitution center, the  
462 Department of Corrections shall inform the person of the duty to  
463 register, including the duty to personally appear at a Department  
464 of Public Safety Driver's License Station, and shall perform the

465 registration duties as described in Section 45-33-23 and forward  
466 the information to the Department of Public Safety.

467 (4) Before release from confinement in a mental institution  
468 following an acquittal by reason of insanity, the director of the  
469 facility shall inform the offender of the duty to register,  
470 including the duty to personally appear at a Department of Public  
471 Safety Driver's License Station, and shall notify the Department  
472 of Public Safety of the offender's release.

473 (5) Before release from a youthful offender facility, the  
474 director of the facility shall inform the person of the duty to  
475 register, including the duty to personally appear at a Department  
476 of Public Safety Driver's License Station, and shall perform the  
477 registration duties as described in Section 45-33-23 and forward  
478 the information to the Department of Public Safety.

479 (6) In addition to performing the registration duties, the  
480 responsible agency shall:

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

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

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

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

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

496 (v) Notification or verification of a change in  
497 status of a registrant's enrollment, employment or vocation at any

498 public or private educational institution, including any secondary  
499 school, trade or professional institution, or institution of  
500 higher education shall be reported to the department by personally  
501 appearing at a Department of Public Safety Driver's License  
502 Station within three (3) business days of the change.

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

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

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

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

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

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

523 45-33-41. (1) The Department of Corrections or any person  
524 having charge of a county or municipal jail or any juvenile  
525 detention facility shall provide written notification to an inmate  
526 or offender in the custody of the jail or other facility due to a  
527 conviction of or adjudication for a sex offense of the  
528 registration and notification requirements of Sections 45-33-25,  
529 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or



530 offender's confinement and release from confinement, and shall  
531 receive a signed acknowledgment of receipt on both occasions.

532 (2) At least ten (10) days prior to the inmate's release  
533 from confinement, the Department of Corrections shall notify the  
534 victim of the offense or a designee of the immediate family of the  
535 victim regarding the date when the offender's release shall occur,  
536 provided a current address of the victim or designated family  
537 member has been furnished in writing to the Director of Records  
538 for such purpose.

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

541 45-33-43. At the time a person surrenders a driver's license  
542 from another jurisdiction or makes an application for a driver's  
543 license, temporary driving permit, intermediate license,  
544 commercial driver's license or identification card issued under  
545 Section 45-35-3, the department shall provide the applicant with  
546 written information on the registration requirements of this  
547 chapter and shall require written acknowledgment by the applicant  
548 of receipt of the notification.

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

551 45-33-47. (1) A sex offender with a duty to register under  
552 Section 45-33-25 shall only be relieved of the duty under  
553 subsection (2) of this section.

554 (2) A person having a duty to register under Section  
555 45-33-25 may petition the circuit court of the sentencing  
556 jurisdiction, or for a person whose duty to register arose in  
557 another jurisdiction, the county in which the registrant resides,  
558 to be relieved of that duty under the following conditions:

559 (a) The offender has maintained his registration in  
560 Mississippi for not less than twenty-five (25) years from the most  
561 recent date of occurrence of at least one (1) of the following:  
562 release from prison, placement on parole, supervised release or

563 probation. Incarceration for any offense will restart the  
564 twenty-five-year minimum registration requirement. Registration  
565 in any other jurisdiction \* \* \* does not reduce the  
566 twenty-five-year time requirement for maintaining registration in  
567 Mississippi.

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

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

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

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

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

577 (v) Section 97-5-41 relating to the carnal  
578 knowledge of a stepchild, adopted child or child of a cohabiting  
579 partner;

580 (vi) Section 97-3-53 relating to kidnapping if the  
581 victim is under the age of eighteen (18);

582 (vii) Section 97-3-54.1(1)(c) relating to  
583 procuring sexual servitude of a minor;

584 (viii) Section 43-47-18 relating to sexual abuse  
585 of a vulnerable adult; or

586 (ix) Any conviction for violation of a similar law  
587 of another jurisdiction or designation as a sexual predator in  
588 another jurisdiction.

589 (c) Notwithstanding another provision of this section,  
590 an offender may petition the appropriate circuit court to be  
591 relieved of the duty to register upon fifteen (15) years  
592 satisfaction of the requirements of this section for a conviction  
593 of misdemeanor dissemination of sexually oriented material to  
594 children, Section 97-5-27(1).

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

600           (e) An offender, twenty-one (21) years of age or older,  
601 who is convicted of any sex offense where the victim was fourteen  
602 (14) years of age or younger shall be subject to lifetime  
603 registration and shall not be relieved of the duty to register.

604           (f) An offender fourteen (14) years of age or older  
605 adjudicated delinquent in a youth court for the crime of rape  
606 pursuant to Section 96-3-65 or sexual battery pursuant to Section  
607 97-3-95 is subject to lifetime registration and shall \* \* \* be  
608 eligible to petition to be relieved of the duty to register after  
609 twenty-five (25) years of registration.

610           (g) Registration following arrest or arraignment for  
611 failure to register is not a defense and does not relieve the sex  
612 offender of criminal liability for failure to register.

613           (h) The department shall continue to list in the  
614 registry the name and registration information of all registrants  
615 who no longer work, reside or attend school in this state even  
616 after the registrant moves to another jurisdiction and registers  
617 in the new jurisdiction as required by law. The registry shall  
618 note that the registrant moved out of state.

619           (3) In determining whether to release an offender from the  
620 obligation to register, the court shall consider the nature of the  
621 registrable offense committed and the criminal and relevant  
622 noncriminal behavior of the petitioner both before and after  
623 conviction. The court may relieve the offender of the duty to  
624 register only if the petitioner shows, by clear and convincing  
625 evidence, that the registrant properly maintained his registration  
626 as required by law and that future registration of the petitioner  
627 will not serve the purposes of this chapter and the court is

628 otherwise satisfied that the petitioner is not a current or  
629 potential threat to public safety. The district attorney in the  
630 circuit in which the petition is filed must be given notice of the  
631 petition at least three (3) weeks before the hearing on the  
632 matter. The district attorney may present evidence in opposition  
633 to the requested relief or may otherwise demonstrate the reasons  
634 why the petition should be denied. If the court denies the  
635 petition, the petitioner may not again petition the court for  
636 relief until one (1) year has elapsed unless the court orders  
637 otherwise in its order of denial of relief.

638 (4) The offender will be required to continue registration  
639 for any sex offense conviction unless the conviction is set aside  
640 in any post-conviction proceeding, the offender receives a pardon,  
641 the charge is dismissed or the offender has received a court order  
642 pursuant to this section relieving him of the duty to register.  
643 Upon submission of the appropriate documentation to the department  
644 of one (1) of these occurrences, registration duties will be  
645 discontinued.

646 (5) The Department of Public Safety shall maintain an  
647 Internet site in a manner that will permit the public to obtain  
648 relevant information for each sex offender in the registry. The  
649 Web site shall permit the public to obtain relevant information  
650 for each offender by a single query for any given zip code or  
651 geographic radius set by the user, such as a municipality or  
652 county. The Department of Public Safety shall participate in the  
653 Dru Sjodin National Sex Offender Public Web site.

654 **SECTION 12.** Section 45-33-51, Mississippi Code of 1972, is  
655 amended as follows:

656 45-33-51. (1) Any person who willfully misuses or alters  
657 public record information relating to a sex offender or sexual  
658 predator, or a person residing or working at an address reported  
659 by a sex offender, including information displayed by law  
660 enforcement agencies on web sites, shall be guilty of a

661 misdemeanor and shall be punished by a fine of not more than One  
662 Thousand Dollars (\$1,000.00) or imprisonment in the county jail  
663 not more than six (6) months, or both.

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

669 **SECTION 13.** Section 45-33-59, Mississippi Code of 1972, is  
670 amended as follows:

671 45-33-59. (1) Any person convicted of a sex offense who is  
672 employed in any position, or who contracts with a person to  
673 provide personal services, where the employment position or  
674 personal services contract will bring the person into close  
675 regular contact with children shall notify in writing the employer  
676 or the person with whom the person has contracted of his sex  
677 offender status.

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

680 **SECTION 14.** Section 47-7-35, Mississippi Code of 1972, is  
681 amended as follows:

682 47-7-35. (1) The courts referred to in Section 47-7-33 or  
683 47-7-34 shall determine the terms and conditions of probation or  
684 post-release supervision and may alter or modify, at any time  
685 during the period of probation or post-release supervision, the  
686 conditions and may include among them the following or any other:

687 That the offender shall:

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

690 (b) Avoid injurious or vicious habits;

691 (c) Avoid persons or places of disreputable or harmful  
692 character;

693 (d) Report to the probation and parole officer as  
694 directed;

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

697 (f) Work faithfully at suitable employment so far as  
698 possible;

699 (g) Remain within a specified area;

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

701 (i) Support his dependents;

702 (j) Submit, as provided in Section 47-5-601, to any  
703 type of breath, saliva or urine chemical analysis test, the  
704 purpose of which is to detect the possible presence of alcohol or  
705 a substance prohibited or controlled by any law of the State of  
706 Mississippi or the United States;

707 (k) Register as a sex offender if so required under  
708 Title 45, Chapter 33.

709 (2) When any court places a defendant on misdemeanor  
710 probation, the court must cause to be conducted a search of the  
711 probationer's name or other identifying information against the  
712 registration information regarding sex offenders maintained under  
713 Title 45, Chapter 33. The search may be conducted using the  
714 Internet site maintained by the Department of Public Safety Sex  
715 Offender Registry.

716 **SECTION 15.** Section 45-35-3, Mississippi Code of 1972, is  
717 amended as follows:

718 45-35-3. (1) Any person six (6) years of age or older may  
719 be issued an identification card by the department which is  
720 certified by the registrant and attested by the commissioner as to  
721 true name, correct age and such other identifying data as required  
722 by Section 45-35-5.

723 (2) The new, renewal or duplicate identification card of a  
724 person required to register as a sex offender pursuant to Section

725 45-33-25 shall bear a designation identifying the cardholder as a  
726 sex offender.

727 **SECTION 16.** Section 63-1-35, Mississippi Code of 1972, is  
728 amended as follows:

729 63-1-35. (1) The Commissioner of Public Safety shall  
730 prescribe the form of licenses issued pursuant to this article  
731 which shall, among other features, include a driver's license  
732 number assigned by the Department of Public Safety which, at the  
733 option of the licensee, may or may not be the social security  
734 number of the licensee. A licensee who chooses not to use his  
735 social security number as his driver's license number, except as  
736 otherwise provided under subsection (2) of this section, shall  
737 list his social security number with the department which shall  
738 cross reference the social security number with the driver's  
739 license number for purposes of identification. Additionally, each  
740 license shall bear a full face color photograph of the licensee in  
741 such form that the license and the photograph cannot be separated.  
742 Such photograph shall be taken so that one (1) exposure will  
743 photograph the applicant and the application simultaneously on the  
744 same film. The department shall use a process in the issuance of  
745 a license with a color photograph which shall prevent as nearly as  
746 possible any alteration, counterfeiting, duplication,  
747 reproduction, forging or modification of such license or the  
748 superimposition of a photograph without ready detection. Such  
749 photograph shall be replaced by the department at the time of  
750 renewal. Driver licenses, including photographs appearing  
751 thereon, may be renewed by electronic means according to rules and  
752 regulations promulgated by the commissioner. The Department of  
753 Public Safety may accept bank credit cards and debit cards in  
754 payment of fees for driver license renewals that are processed by  
755 electronic means and, if authorized by general law, may charge an  
756 additional fee for the use of such cards.

757 (2) The commissioner shall prescribe the form of licenses  
758 issued pursuant to this article to licensees who are not United  
759 States citizens and who do not possess a social security number  
760 issued by the United States government. The licenses of such  
761 persons shall include a number and/or other identifying features.

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

767 **SECTION 17.** (1) Upon receipt of sex offender registration  
768 or change of registration information, the Department of Public  
769 Safety shall immediately provide the information to:

770 (a) The National Sex Offender Registry or other  
771 appropriate databases;

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

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

776 (d) The Department of Human Services.

777 (2) The Department of Public Safety shall also provide the  
778 information within five (5) business days to volunteer  
779 organizations in which contact with minors or vulnerable adults  
780 might occur and any organization, company or individual who  
781 requests such notification pursuant to procedures established by  
782 the Department of Public Safety. This provision shall take effect  
783 upon the state's receipt and implementation of the Department of  
784 Justice software in compliance with the provisions of the Adam  
785 Walsh Act.

786 **SECTION 18.** This act shall take effect and be in force from  
787 and after July 1, 2007.