

By: Representative McBride

To: Judiciary B

## 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 BRING FORWARD  
15 SECTION 45-33-41, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF  
16 AMENDMENT; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO  
17 INCLUDE KIDNAPPING OF A CHILD UNDER THE AGE OF 18 AS A REGISTRABLE  
18 OFFENSE AND TO REVISE RELIEF FROM THE DUTY TO REGISTER FOR THOSE  
19 CONVICTED AFTER THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION  
20 45-33-59, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO THE  
21 EMPLOYER TO BE IN WRITING; TO AMEND SECTION 47-7-35, MISSISSIPPI  
22 CODE OF 1972, TO REQUIRE REGISTRATION AS A SEX OFFENDER AS A  
23 CONDITION OF PROBATION FOR THOSE CONVICTED OF A SEX OFFENSE; TO  
24 AMEND SECTIONS 45-35-3 AND 63-1-35, MISSISSIPPI CODE OF 1972, TO  
25 REQUIRE SEX OFFENDERS TO OBTAIN A NEW DRIVER'S LICENSE, PERMIT OR  
26 NONDRIVER'S IDENTIFICATION CARD THAT IDENTIFIES THE INDIVIDUAL AS  
27 A SEX OFFENDER; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

55 (e) "Registration duties" means obtaining the  
56 registration information required on the form specified by the  
57 department as well as the photograph, fingerprints and biological  
58 sample of the registrant. Biological samples are to be forwarded  
59 to the State Crime Laboratory pursuant to Section 45-33-37; the  
60 photograph, fingerprints and other registration information are to  
61 be forwarded to the Department of Public Safety within ten (10)  
62 days of registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

155           45-33-25. (1) Any person having a permanent or temporary  
156 residence in this state who has been convicted of any sex offense  
157 or attempted sex offense or who has been acquitted by reason of  
158 insanity for any sex offense or attempted sex offense or \* \* \*  
159 adjudicated delinquent for any sex offense or attempted sex  
160 offense shall register with the Mississippi Department of Public  
161 Safety. Registration shall not be required for an offense that is  
162 not a registrable sex offense or for an offender who is under  
163 fourteen (14) years of age. The department shall provide the  
164 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 (2) Any person required to register under this chapter shall  
175 submit the following information at the time of registration:

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

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

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

181 (d) Crime for which convicted;

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

184 (f) Aliases used;

185 (g) Social security number;

186 (h) Date and place of birth;

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

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

191 (k) Identifying factors;

192 (l) Anticipated future residence;

193 (m) If the registrant's residence is a motor vehicle,  
194 trailer, mobile home or manufactured home, the registrant shall  
195 also provide vehicle identification number, license tag number,  
196 registration number and a description, including color scheme, of  
197 the motor vehicle, trailer, mobile home or manufactured home; if  
198 the registrant's place of residence is a vessel or houseboat, the  
199 registrant shall also provide the hull identification number,  
200 manufacturer's serial number, name of the vessel or houseboat,  
201 registration number and a description, including color scheme, of  
202 the vessel or houseboat;

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

204                   (o) Offense history;

205                   (p) Photograph;

206                   (q) Fingerprints and palm prints;

207                   (r) Documentation of any treatment received for any

208 mental abnormality or personality disorder of the person;

209                   (s) Biological sample;

210                   (t) Name of any public or private educational

211 institution, including any secondary school, trade or professional

212 institution or institution of higher education at which the

213 offender is employed, carries on a vocation (with or without

214 compensation) or is enrolled as a student, and the registrant's

215 status;

216                   (u) Copy of conviction or sentencing order for the sex

217 offense for which registration is required; \* \* \*

218                   (v) The offender's parole, probation or supervised

219 release status and the existence of any outstanding arrest

220 warrants; and

221                   (w) Any other information deemed necessary.

222           (3) For purposes of this chapter, a person is considered to

223 be residing in this state if he maintains a permanent or temporary

224 residence as defined in Section 45-33-23, including students,

225 temporary employees and military personnel on assignment.

226           (4) (a) A person required to register under this chapter

227 shall not reside within one thousand five hundred (1,500) feet of

228 the real property comprising a public or nonpublic elementary or

229 secondary school or a child care facility.

230                   (b) A person residing within one thousand five hundred

231 (1,500) feet of the real property comprising a public or nonpublic

232 elementary or secondary school or a child care facility does not

233 commit a violation of this subsection if any of the following

234 apply:

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

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

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

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

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

249 45-33-27. (1) A person required to register on the basis of  
250 a conviction, adjudication of delinquency or acquittal by reason  
251 of insanity entered shall register with the responsible agency  
252 within three (3) business days of the date of judgment unless the  
253 person is immediately confined or committed, in which case the  
254 person shall register before release in accordance with the  
255 procedures established by the department. The person is also  
256 required to personally appear at a Department of Public Safety  
257 Driver's License Station within ten (10) days of registration with  
258 the responsible agency and to obtain a sex offender registration  
259 card.

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



268 ten (10) days of release or placement in a restitution center or  
269 community work center.

270 (3) If a person required to register under this section is  
271 placed on probation, the court, at the time of entering the order,  
272 shall register the person \* \* \* and forward the registration  
273 information to the Department of Public Safety within ten (10)  
274 days. The person is also required to personally appear at a  
275 Department of Public Safety Driver's License Station within ten  
276 (10) days of the entry of the order.

277 (4) Any person required to register who is neither  
278 incarcerated, detained nor committed at the time the requirement  
279 to register attaches shall present himself to the county sheriff  
280 to register within three (3) business days, and shall \* \* \*  
281 personally appear at a Department of Public Safety Driver's  
282 License Station within ten (10) days of the time the requirement  
283 to register attaches.

284 (5) An offender moving to or returning to this state from  
285 another jurisdiction shall notify the Department of Public Safety  
286 ten (10) days before the person first resides in or returns  
287 to \* \* \* this state and shall \* \* \* present himself to the sheriff  
288 of the county of his residence within three (3) business days  
289 after first residing in or returning to a county of this state to  
290 provide the required registration information. The person is also  
291 required to register by personally appearing at a Department of  
292 Public Safety Driver's License Station within ten (10) days after  
293 first residing in or moving to a county of this state.

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

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

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

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

315 45-33-29. (1) Upon any change of address, an offender  
316 required to register under this chapter is required to personally  
317 appear at a Department of Public Safety Driver's License Station  
318 not less than ten (10) days before he intends to first reside at  
319 the new address.

320 (2) Upon any change in the status of a registrant's  
321 enrollment, employment or vocation at any public or private  
322 educational institution, including any secondary school, trade or  
323 professional institution or institution of higher education, the  
324 offender is required to personally appear at a Department of  
325 Public Safety Driver's License Station within three (3) business  
326 days of the change.

327 (3) Upon any change of name, a registrant is required to  
328 personally appear at a Department of Public Safety Driver's  
329 License Station within three (3) business days of the change.

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

332 45-33-31. All registrants are required to personally appear  
333 at a Department of Public Safety Driver's License Station to

334 reregister every ninety (90) days. Reregistration includes the  
335 submission of current information and photograph to the department  
336 and the verification of registration information, including the  
337 street address and telephone number of the registrant; name,  
338 street address and telephone number of the registrant's employment  
339 along with any other registration information that may need to be  
340 verified and the payment of any required fees. A person who fails  
341 to reregister and obtain a renewal sex offender registration card  
342 as required by this section commits a violation of this chapter.

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

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

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

355 (i) Knowingly harbors, or knowingly attempts to  
356 harbor, or knowingly assists another person in harboring or  
357 attempting to harbor a sex offender who is in violation of this  
358 chapter; or

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

363 (iii) Provides information to a law enforcement  
364 agency regarding a sex offender which the person knows to be  
365 false.

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

371 (3) Whenever it appears that an offender has failed to  
372 comply with the duty to register or reregister, the department  
373 shall promptly notify the sheriff of the county of the last known  
374 address of the offender. Upon notification, the sheriff shall  
375 attempt to locate the offender at his last known address.

376 (a) If the sheriff locates the offender, he shall  
377 enforce the provisions of this chapter. The sheriff shall then  
378 notify the department with the current information regarding the  
379 offender.

380 (b) If the sheriff is unable to locate the offender,  
381 the sheriff shall promptly notify the department and initiate a  
382 criminal prosecution against the offender for the failure to  
383 register or reregister. The sheriff shall make the appropriate  
384 transactions into the Federal Bureau of Investigation's  
385 wanted-person database.

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

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

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

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

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

405 45-33-34. (1) \* \* \* The county sheriff shall notify the  
406 department when a registered sex offender is reincarcerated for  
407 another offense or as the result of having violated probation,  
408 parole, conditional discharge or other sentence or court order.

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

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

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

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

432           (3) Before release from prison or placement on parole,  
433 supervised release or in a work center or restitution center, the  
434 Department of Corrections shall inform the person of the duty to  
435 register, including the duty to personally appear at a Department  
436 of Public Safety Driver's License Station, and shall perform the  
437 registration duties as described in Section 45-33-23 and forward  
438 the information to the Department of Public Safety.

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

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

451           (6) In addition to performing the registration duties, the  
452 responsible agency shall:

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

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

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

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

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

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

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

480 (vii) Upon any change of name, a registrant is  
481 required to personally appear at a Department of Public Safety  
482 Driver's License Station within three (3) business days of the  
483 change.

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

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

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

493 **SECTION 9.** Section 45-33-41, Mississippi Code of 1972, is  
494 brought forward as follows:

495 45-33-41. (1) The Department of Corrections or any person  
496 having charge of a county or municipal jail or any juvenile  
497 detention facility shall provide written notification to an inmate

498 or offender in the custody of the jail or other facility due to a  
499 conviction of or adjudication for a sex offense of the  
500 registration and notification requirements of Sections 45-33-25,  
501 45-33-31 and 45-33-32 at the time of the inmate's or offender's  
502 confinement and release from confinement, and shall receive a  
503 signed acknowledgment of receipt on both occasions.

504 (2) At least ten (10) days prior to the inmate's release  
505 from confinement, the Department of Corrections shall notify the  
506 victim of the offense or a designee of the immediate family of the  
507 victim regarding the date when the offender's release shall occur,  
508 provided a current address of the victim or designated family  
509 member has been furnished in writing to the Director of Records  
510 for such purpose.

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

513 45-33-43. At the time a person surrenders a driver's license  
514 from another jurisdiction or makes an application for a driver's  
515 license, the department shall provide the applicant with written  
516 information on the registration requirements of this chapter.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

555 (ix) Any conviction for violation of a similar law  
556 of another jurisdiction or designation as a sexual predator in  
557 another jurisdiction.

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

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

567           (e) An offender \* \* \* adjudicated delinquent in a youth  
568 court for the crime of rape pursuant to Section 96-3-65 or sexual  
569 battery pursuant to Section 97-3-95 is subject to lifetime  
570 registration and shall not be eligible to petition to be relieved  
571 of the duty to register.

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

575           (g) The department shall continue to list in the  
576 registry the name and registration information of all registrants  
577 who no longer work, reside or attend school in this state even  
578 after the registrant moves to another jurisdiction and registers  
579 in the new jurisdiction as required by law. The registry shall  
580 note that the registrant moved out of state.

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

596 why the petition should be denied. If the court denies the  
597 petition, the petitioner may not again petition the court for  
598 relief until one (1) year has elapsed unless the court orders  
599 otherwise in its order of denial of relief.

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

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

610 45-33-47. (1) A sex offender with a duty to register under  
611 Section 45-33-25 shall only be relieved of the duty under  
612 subsection (2) of this section.

613 (2) A person having a duty to register under Section  
614 45-33-25 may petition the circuit court of the sentencing  
615 jurisdiction, or for a person whose duty to register arose in  
616 another jurisdiction, the county in which the registrant resides,  
617 to be relieved of that duty under the following conditions:

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

627           (b) If the offender has been convicted of one (1) of  
628 the following offenses, the offender is subject to lifetime  
629 registration and shall not be relieved of the duty to register:  
630           (i) Section 97-3-65 relating to rape;  
631           (ii) Section 97-3-71 relating to rape and assault  
632 with intent to ravish;  
633           (iii) Section 97-3-95 relating to sexual battery;  
634           (iv) Subsection (1) or (2) of Section 97-5-33  
635 relating to the exploitation of children;  
636           (v) Section 97-5-41 relating to the carnal  
637 knowledge of a stepchild, adopted child or child of a cohabiting  
638 partner;  
639           (vi) Section 97-3-53 relating to kidnapping if the  
640 victim is under the age of eighteen (18);  
641           (vii) Section 97-3-54.1(1)(c) relating to  
642 procuring sexual servitude of a minor;  
643           (viii) Section 43-47-18 relating to sexual abuse  
644 of a vulnerable adult; or  
645           (ix) Any conviction for violation of a similar law  
646 of another jurisdiction or designation as a sexual predator in  
647 another jurisdiction.  
648           (c) Notwithstanding another provision of this section,  
649 an offender may petition the appropriate circuit court to be  
650 relieved of the duty to register upon fifteen (15) years  
651 satisfaction of the requirements of this section for a conviction  
652 of misdemeanor dissemination of sexually oriented material to  
653 children, Section 97-5-27(1).  
654           (d) An offender who has two (2) separate convictions  
655 for any of the offenses described in Section 45-33-23 is subject  
656 to lifetime registration and shall not be eligible to petition to  
657 be relieved of the duty to register as long as at least one (1) of  
658 the convictions was entered on or after July 1, 1995.

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

663           (f) An offender adjudicated delinquent in a youth court  
664 for the crime of rape pursuant to Section 96-3-65 or sexual  
665 battery pursuant to Section 97-3-95 is subject to lifetime  
666 registration and shall not be eligible to petition to be relieved  
667 of the duty to register.

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

671           (h) The department shall continue to list in the  
672 registry the name and registration information of all registrants  
673 who no longer work, reside or attend school in this state even  
674 after the registrant moves to another jurisdiction and registers  
675 in the new jurisdiction as required by law. The registry shall  
676 note that the registrant moved out of state.

677           (3) In determining whether to release an offender from the  
678 obligation to register, the court shall consider the nature of the  
679 registrable offense committed and the criminal and relevant  
680 noncriminal behavior of the petitioner both before and after  
681 conviction. The court may relieve the offender of the duty to  
682 register only if the petitioner shows, by clear and convincing  
683 evidence, that the registrant properly maintained his registration  
684 as required by law and that future registration of the petitioner  
685 will not serve the purposes of this chapter and the court is  
686 otherwise satisfied that the petitioner is not a current or  
687 potential threat to public safety. The district attorney in the  
688 circuit in which the petition is filed must be given notice of the  
689 petition at least three (3) weeks before the hearing on the  
690 matter. The district attorney may present evidence in opposition  
691 to the requested relief or may otherwise demonstrate the reasons

692 why the petition should be denied. If the court denies the  
693 petition, the petitioner may not again petition the court for  
694 relief until one (1) year has elapsed unless the court orders  
695 otherwise in its order of denial of relief.

696 (4) The offender will be required to continue registration  
697 for any sex offense conviction unless the conviction is set aside  
698 in any post-conviction proceeding, the offender receives a pardon,  
699 the charge is dismissed or the offender has received a court order  
700 pursuant to this section relieving him of the duty to register.  
701 Upon submission of the appropriate documentation to the department  
702 of one (1) of these occurrences, registration duties will be  
703 discontinued.

704 **SECTION 12.** Section 45-33-59, Mississippi Code of 1972, is  
705 amended as follows:

706 45-33-59. (1) Any person convicted of a sex offense who is  
707 employed in any position, or who contracts with a person to  
708 provide personal services, where the employment position or  
709 personal services contract will bring the person into close  
710 regular contact with children shall notify in writing the employer  
711 or the person with whom the person has contracted of his sex  
712 offender status.

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

715 **SECTION 13.** Section 47-7-35, Mississippi Code of 1972, is  
716 amended as follows:

717 47-7-35. (1) The courts referred to in Section 47-7-33 or  
718 47-7-34 shall determine the terms and conditions of probation or  
719 post-release supervision and may alter or modify, at any time  
720 during the period of probation or post-release supervision, the  
721 conditions and may include among them the following or any other:

722 That the offender shall:

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

725                   (b) Avoid injurious or vicious habits;  
726                   (c) Avoid persons or places of disreputable or harmful  
727 character;  
728                   (d) Report to the probation and parole officer as  
729 directed;  
730                   (e) Permit the probation and parole officer to visit  
731 him at home or elsewhere;  
732                   (f) Work faithfully at suitable employment so far as  
733 possible;  
734                   (g) Remain within a specified area;  
735                   (h) Pay his fine in one (1) or several sums;  
736                   (i) Support his dependents;  
737                   (j) Submit, as provided in Section 47-5-601, to any  
738 type of breath, saliva or urine chemical analysis test, the  
739 purpose of which is to detect the possible presence of alcohol or  
740 a substance prohibited or controlled by any law of the State of  
741 Mississippi or the United States;  
742                   (k) Register as a sex offender if so required under  
743 Title 45, Chapter 33.

744                   (2) When any court places a defendant on misdemeanor  
745 probation, the court must cause to be conducted a search of the  
746 probationer's name or other identifying information against the  
747 registration information regarding sex offenders maintained under  
748 Title 45, Chapter 33. The search may be conducted using the  
749 Internet site maintained by the Department of Public Safety Sex  
750 Offender Registry.

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

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

758       (2) The new, renewal or duplicate identification card of a  
759 person required to register as a sex offender pursuant to Section  
760 45-33-25 shall bear a designation identifying the cardholder as a  
761 sex offender.

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

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



790 electronic means and, if authorized by general law, may charge an  
791 additional fee for the use of such cards.

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

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

802 **SECTION 16.** This act shall take effect and be in force from  
803 and after July 1, 2007.