

By: Representatives McBride, Reynolds

To: Judiciary B

HOUSE BILL NO. 1015
(As Passed the House)

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) Any person having a permanent or temporary
175 residence in this state who has been adjudicated delinquent for a
176 registrable sex offense listed in this paragraph that involved use
177 of force against the victim shall register as a sex offender with
178 the Mississippi 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 (2) Any person required to register under this chapter shall
188 submit the following information at the time of registration:

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

191 (b) Street address of all current permanent * * *
192 and * * * temporary residences within state or out of state;

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

194 (d) Crime for which convicted;

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

197 (f) Aliases used;

198 (g) Social security number;

199 (h) Date and place of birth;

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

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

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

207 (l) Anticipated future residence;

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

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

219 (o) Offense history;

220 (p) Photograph;

221 (q) Fingerprints and palm prints;

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

224 (s) Biological sample;

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

231 (u) Copy of conviction or sentencing order for the sex
232 offense for which registration is required; * * *

233 (v) The offender's parole, probation or supervised
234 release status and the existence of any outstanding arrest
235 warrants;

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

238 (x) Any other information deemed necessary.

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

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

247 (b) A person residing within one thousand five hundred
248 (1,500) feet of the real property comprising a public or nonpublic
249 elementary or secondary school or a child care facility does not
250 commit a violation of this subsection if any of the following
251 apply:

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

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

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

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

264 (5) The Department of Public Safety is required to obtain
265 the text of the law defining the offense or offenses for which the
266 registration is required.

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

269 45-33-27. (1) A person required to register on the basis of
270 a conviction, adjudication of delinquency or acquittal by reason
271 of insanity entered shall register with the responsible agency
272 within three (3) business days of the date of judgment unless the
273 person is immediately confined or committed, in which case the
274 person shall register before release in accordance with the
275 procedures established by the department. The responsible agency
276 shall immediately forward the registration information to the
277 Department of Public Safety. The person is also required to
278 personally appear at a Department of Public Safety Driver's
279 License Station within ten (10) days of registration with the
280 responsible agency and to obtain a sex offender registration card.

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

291 (3) If a person required to register under this section is
292 placed on probation, the court, at the time of entering the order,
293 shall register the person * * * and immediately forward the
294 registration information to the Department of Public Safety * * *.
295 The person is also required to personally appear at a Department
296 of Public Safety Driver's License Station within ten (10) days of
297 the entry of the order.

298 (4) Any person required to register who is neither
299 incarcerated, detained nor committed at the time the requirement
300 to register attaches shall present himself to the county sheriff
301 to register within three (3) business days, and shall * * *

302 personally appear at a Department of Public Safety Driver's
303 License Station within ten (10) days of the time the requirement
304 to register attaches.

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

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

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

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

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

336 45-33-29. (1) Upon any change of address, an offender
337 required to register under this chapter is required to personally
338 appear at a Department of Public Safety Driver's License Station
339 not less than ten (10) days before he intends to first reside at
340 the new address.

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

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

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

354 45-33-31. All registrants are required to personally appear
355 at a Department of Public Safety Driver's License Station to
356 reregister every ninety (90) days. Reregistration includes the
357 submission of current information and photograph to the department
358 and the verification of registration information, including the
359 street address and telephone number of the registrant; name,
360 street address and telephone number of the registrant's employment
361 along with any other registration information that may need to be
362 verified and the payment of any required fees. A person who fails
363 to reregister and obtain a renewal sex offender registration card
364 as required by this section commits a violation of this chapter.

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

367 45-33-33. (1) (a) The failure of an offender to personally
368 appear at a Department of Public Safety Driver's License Station
369 or to provide any registration or other information, including,
370 but not limited to, initial registration, reregistration or change
371 of address information, change of employment, change of name or
372 required notification to a volunteer organization, as required by
373 this chapter, is a violation of the law. Additionally, forgery of
374 information or submission of information under false pretenses is
375 also a violation of the law.

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

377 (i) Knowingly harbors, or knowingly attempts to
378 harbor, or knowingly assists another person in harboring or
379 attempting to harbor a sex offender who is in violation of this
380 chapter; or

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

385 (iii) Provides information to a law enforcement
386 agency regarding a sex offender which the person knows to be
387 false.

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

393 (3) Whenever it appears that an offender has failed to
394 comply with the duty to register or reregister, the department
395 shall promptly notify the sheriff of the county of the last known
396 address of the offender. Upon notification, the sheriff shall
397 attempt to locate the offender at his last known address.

398 (a) If the sheriff locates the offender, he shall
399 enforce the provisions of this chapter. The sheriff shall then

400 notify the department with the current information regarding the
401 offender.

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

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

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

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

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

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

427 45-33-34. (1) * * * The Department of Corrections and all
428 law enforcement agencies shall notify the department when a
429 registered sex offender is arrested or incarcerated for another
430 offense or as the result of having violated probation, parole,
431 conditional discharge or other sentence or court order.

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

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

439 45-33-35. (1) The Mississippi Department of Public Safety
440 shall maintain a central registry of sex offender information as
441 defined in Section 45-33-25 and shall adopt rules and regulations
442 necessary to carry out this section. The responsible agencies
443 shall provide the information required in Section 45-33-25 on a
444 form developed by the department to ensure accurate information is
445 maintained.

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

455 (3) Before release from prison or placement on parole,
456 supervised release or in a work center or restitution center, the
457 Department of Corrections shall inform the person of the duty to
458 register, including the duty to personally appear at a Department
459 of Public Safety Driver's License Station, and shall perform the
460 registration duties as described in Section 45-33-23 and forward
461 the information to the Department of Public Safety.

462 (4) Before release from confinement in a mental institution
463 following an acquittal by reason of insanity, the director of the
464 facility shall inform the offender of the duty to register,

465 including the duty to personally appear at a Department of Public
466 Safety Driver's License Station, and shall notify the Department
467 of Public Safety of the offender's release.

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

474 (6) In addition to performing the registration duties, the
475 responsible agency shall:

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

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

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

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

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

491 (v) Notification or verification of a change in
492 status of a registrant's enrollment, employment or vocation at any
493 public or private educational institution, including any secondary
494 school, trade or professional institution, or institution of
495 higher education shall be reported to the department by personally
496 appearing at a Department of Public Safety Driver's License
497 Station within three (3) business days of the change.

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

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

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

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

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

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

518 45-33-41. (1) The Department of Corrections or any person
519 having charge of a county or municipal jail or any juvenile
520 detention facility shall provide written notification to an inmate
521 or offender in the custody of the jail or other facility due to a
522 conviction of or adjudication for a sex offense of the
523 registration and notification requirements of Sections 45-33-25,
524 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or
525 offender's confinement and release from confinement, and shall
526 receive a signed acknowledgment of receipt on both occasions.

527 (2) At least ten (10) days prior to the inmate's release
528 from confinement, the Department of Corrections shall notify the
529 victim of the offense or a designee of the immediate family of the
530 victim regarding the date when the offender's release shall occur,

531 provided a current address of the victim or designated family
532 member has been furnished in writing to the Director of Records
533 for such purpose.

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

536 45-33-43. At the time a person surrenders a driver's license
537 from another jurisdiction or makes an application for a driver's
538 license, temporary driving permit, intermediate license,
539 commercial driver's license or identification card issued under
540 Section 45-35-3, the department shall provide the applicant with
541 written information on the registration requirements of this
542 chapter and shall require written acknowledgment by the applicant
543 of receipt of the notification.

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

546 45-33-47. (1) A sex offender with a duty to register under
547 Section 45-33-25 shall only be relieved of the duty under
548 subsection (2) of this section.

549 (2) A person having a duty to register under Section
550 45-33-25 may petition the circuit court of the sentencing
551 jurisdiction, or for a person whose duty to register arose in
552 another jurisdiction, the county in which the registrant resides,
553 to be relieved of that duty under the following conditions:

554 (a) The offender has maintained his registration in
555 Mississippi for not less than twenty-five (25) years from the most
556 recent date of occurrence of at least one (1) of the following:
557 release from prison, placement on parole, supervised release or
558 probation. Incarceration for any offense will restart the
559 twenty-five-year minimum registration requirement. Registration
560 in any other jurisdiction * * * does not reduce the
561 twenty-five-year time requirement for maintaining registration in
562 Mississippi.

563 (b) If the offender has been convicted of one (1) of
564 the following offenses, the offender is subject to lifetime
565 registration and shall not be relieved of the duty to register:
566 (i) Section 97-3-65 relating to rape;
567 (ii) Section 97-3-71 relating to rape and assault
568 with intent to ravish;
569 (iii) Section 97-3-95 relating to sexual battery;
570 (iv) Subsection (1) or (2) of Section 97-5-33
571 relating to the exploitation of children;
572 (v) Section 97-5-41 relating to the carnal
573 knowledge of a stepchild, adopted child or child of a cohabiting
574 partner;
575 (vi) Section 97-3-53 relating to kidnapping if the
576 victim is under the age of eighteen (18);
577 (vii) Section 97-3-54.1(1)(c) relating to
578 procuring sexual servitude of a minor;
579 (viii) Section 43-47-18 relating to sexual abuse
580 of a vulnerable adult; or
581 (ix) Any conviction for violation of a similar law
582 of another jurisdiction or designation as a sexual predator in
583 another jurisdiction.
584 (c) Notwithstanding another provision of this section,
585 an offender may petition the appropriate circuit court to be
586 relieved of the duty to register upon fifteen (15) years
587 satisfaction of the requirements of this section for a conviction
588 of misdemeanor dissemination of sexually oriented material to
589 children, Section 97-5-27(1).
590 (d) An offender who has two (2) separate convictions
591 for any of the offenses described in Section 45-33-23 is subject
592 to lifetime registration and shall not be eligible to petition to
593 be relieved of the duty to register as long as at least one (1) of
594 the convictions was entered on or after July 1, 1995.

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

599 (f) A first-time offender fourteen (14) years of age or
600 older adjudicated delinquent in a youth court for the crime of
601 rape pursuant to Section 96-3-65 or sexual battery pursuant to
602 Section 97-3-95 is subject to lifetime registration and
603 shall * * * be eligible to petition to be relieved of the duty to
604 register after twenty-five (25) years of registration.

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

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

614 (3) In determining whether to release an offender from the
615 obligation to register, the court shall consider the nature of the
616 registrable offense committed and the criminal and relevant
617 noncriminal behavior of the petitioner both before and after
618 conviction. The court may relieve the offender of the duty to
619 register only if the petitioner shows, by clear and convincing
620 evidence, that the registrant properly maintained his registration
621 as required by law and that future registration of the petitioner
622 will not serve the purposes of this chapter and the court is
623 otherwise satisfied that the petitioner is not a current or
624 potential threat to public safety. The district attorney in the
625 circuit in which the petition is filed must be given notice of the
626 petition at least three (3) weeks before the hearing on the
627 matter. The district attorney may present evidence in opposition

628 to the requested relief or may otherwise demonstrate the reasons
629 why the petition should be denied. If the court denies the
630 petition, the petitioner may not again petition the court for
631 relief until one (1) year has elapsed unless the court orders
632 otherwise in its order of denial of relief.

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

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

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

651 45-33-51. (1) Any person who willfully misuses or alters
652 public record information relating to a sex offender or sexual
653 predator, or a person residing or working at an address reported
654 by a sex offender, including information displayed by law
655 enforcement agencies on web sites, shall be guilty of a
656 misdemeanor and shall be punished by a fine of not more than One
657 Thousand Dollars (\$1,000.00) or imprisonment in the county jail
658 not more than six (6) months, or both.

659 (2) The sale or exchange of sex offender information for
660 profit is prohibited. Any violation of this subsection (2) is 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 **SECTION 13.** Section 45-33-59, Mississippi Code of 1972, is
665 amended as follows:

666 45-33-59. (1) Any person convicted of a sex offense who is
667 employed in any position, or who contracts with a person to
668 provide personal services, where the employment position or
669 personal services contract will bring the person into close
670 regular contact with children shall notify in writing the employer
671 or the person with whom the person has contracted of his sex
672 offender status.

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

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

677 47-7-35. (1) The courts referred to in Section 47-7-33 or
678 47-7-34 shall determine the terms and conditions of probation or
679 post-release supervision and may alter or modify, at any time
680 during the period of probation or post-release supervision, the
681 conditions and may include among them the following or any other:

682 That the offender shall:

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

685 (b) Avoid injurious or vicious habits;

686 (c) Avoid persons or places of disreputable or harmful
687 character;

688 (d) Report to the probation and parole officer as
689 directed;

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

692 (f) Work faithfully at suitable employment so far as
693 possible;

694 (g) Remain within a specified area;
695 (h) Pay his fine in one (1) or several sums;
696 (i) Support his dependents;
697 (j) Submit, as provided in Section 47-5-601, to any
698 type of breath, saliva or urine chemical analysis test, the
699 purpose of which is to detect the possible presence of alcohol or
700 a substance prohibited or controlled by any law of the State of
701 Mississippi or the United States;

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

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

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

713 45-35-3. (1) Any person six (6) years of age or older may
714 be issued an identification card by the department which is
715 certified by the registrant and attested by the commissioner as to
716 true name, correct age and such other identifying data as required
717 by Section 45-35-5.

718 (2) The new, renewal or duplicate identification card of a
719 person required to register as a sex offender pursuant to Section
720 45-33-25 shall bear a designation identifying the cardholder as a
721 sex offender.

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

724 63-1-35. (1) The Commissioner of Public Safety shall
725 prescribe the form of licenses issued pursuant to this article
726 which shall, among other features, include a driver's license

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

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

757 (3) Any new, renewal or duplicate driver's license,
758 temporary driving permit, intermediate license or commercial
759 driver's license issued to a person required to register as a sex

760 offender pursuant to Section 45-33-25 shall bear a designation
761 identifying the licensee or permittee as a sex offender.

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

765 (a) The National Sex Offender Registry or other
766 appropriate databases;

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

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

771 (d) The Department of Human Services.

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

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