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To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2668

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

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

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

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

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

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

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

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

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

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

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

105 (iv) Section 97-5-5 relating to enticing child for
106 concealment, prostitution or marriage;

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

110 (vi) Section 97-5-27 relating to the dissemination
111 of sexually oriented material to children;

112 (vii) Section 97-5-33 relating to the exploitation
113 of children;

114 (viii) Section 97-5-41 relating to the carnal
115 knowledge of a stepchild, adopted child or child of a cohabiting
116 partner;

117 (ix) Section 97-29-59 relating to unnatural
118 intercourse;

119 (x) Section 97-1-7 relating to attempt to commit
120 any of the above-referenced offenses;

121 (xi) Section 97-29-3 relating to adultery or
122 fornication between teacher and pupil;

123 (xii) Section 43-47-18 relating to sexual abuse of
124 a vulnerable adult;

125 (xiii) Section 97-3-54.1(1)(c) relating to
126 procuring sexual servitude of a minor;

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

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

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

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

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

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

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

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

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

172 (b) Any person having a permanent or temporary
173 residence in this state who has been adjudicated delinquent for a
174 registrable sex offense listed in this paragraph that involved use
175 of force against the victim shall register as a sex offender with
176 the Mississippi Department of Public Safety:

177 (i) Section 97-3-95 relating to sexual battery;

178 (ii) Section 97-3-65 relating to statutory rape;

179 or

180 (iii) Conspiracy to commit, accessory to the
181 commission of, or attempt to commit any offense listed in this
182 paragraph.

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

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

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

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

190 (d) Crime for which convicted;

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

193 (f) Aliases used;

194 (g) Social security number;

195 (h) Date and place of birth;

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

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

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

- 203 (1) Anticipated future residence;
- 204 (m) If the registrant's residence is a motor vehicle,
205 trailer, mobile home or manufactured home, the registrant shall
206 also provide vehicle identification number, license tag number,
207 registration number and a description, including color scheme, of
208 the motor vehicle, trailer, mobile home or manufactured home; if
209 the registrant's place of residence is a vessel or houseboat, the
210 registrant shall also provide the hull identification number,
211 manufacturer's serial number, name of the vessel or houseboat,
212 registration number and a description, including color scheme, of
213 the vessel or houseboat;
- 214 (n) Vehicle make, model, color and license tag number;
- 215 (o) Offense history;
- 216 (p) Photograph;
- 217 (q) Fingerprints and palm prints;
- 218 (r) Documentation of any treatment received for any
219 mental abnormality or personality disorder of the person;
- 220 (s) Biological sample;
- 221 (t) Name of any public or private educational
222 institution, including any secondary school, trade or professional
223 institution or institution of higher education at which the
224 offender is employed, carries on a vocation (with or without
225 compensation) or is enrolled as a student, and the registrant's
226 status;
- 227 (u) Copy of conviction or sentencing order for the sex
228 offense for which registration is required; * * *
- 229 (v) The offender's parole, probation or supervised
230 release status and the existence of any outstanding arrest
231 warrants;
- 232 (w) Every on-line identity, screen name or username
233 used, registered or created by a registrant; and
- 234 (x) Any other information deemed necessary.

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

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

243 (b) A person residing within one thousand five hundred
244 (1,500) feet of the real property comprising a public or nonpublic
245 elementary or secondary school or a child care facility does not
246 commit a violation of this subsection if any of the following
247 apply:

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

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

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

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

260 (5) The Department of Public Safety is required to obtain
261 the text of the law defining the offense or offenses for which the
262 registration is required.

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

265 45-33-27. (1) A person required to register on the basis of
266 a conviction, adjudication of delinquency or acquittal by reason
267 of insanity entered shall register with the responsible agency

268 within three (3) business days of the date of judgment unless the
269 person is immediately confined or committed, in which case the
270 person shall register before release in accordance with the
271 procedures established by the department. The responsible agency
272 shall immediately forward the registration information to the
273 Department of Public Safety. The person is also required to
274 personally appear at a Department of Public Safety Driver's
275 License Station within ten (10) days of registration with the
276 responsible agency and to obtain a sex offender registration card.

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

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

294 (4) Any person required to register who is neither
295 incarcerated, detained nor committed at the time the requirement
296 to register attaches shall present himself to the county sheriff
297 to register within three (3) business days, and shall * * *
298 personally appear at a Department of Public Safety Driver's
299 License Station within ten (10) days of the time the requirement
300 to register attaches.

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

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

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

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

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

332 45-33-29. (1) Upon any change of address, an offender
333 required to register under this chapter is required to personally

334 appear at a Department of Public Safety Driver's License Station
335 not less than ten (10) days before he intends to first reside at
336 the new address.

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

344 (3) Upon any change of employment or change of name, a
345 registrant 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 **SECTION 5.** Section 45-33-31, Mississippi Code of 1972, is
349 amended as follows:

350 45-33-31. All registrants are required to personally appear
351 at a Department of Public Safety Driver's License Station to
352 reregister every ninety (90) days. Reregistration includes the
353 submission of current information and photograph to the department
354 and the verification of registration information, including the
355 street address and telephone number of the registrant; name,
356 street address and telephone number of the registrant's employment
357 along with any other registration information that may need to be
358 verified and the payment of any required fees. A person who fails
359 to reregister and obtain a renewal sex offender registration card
360 as required by this section commits a violation of this chapter.

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

363 45-33-33. (1) (a) The failure of an offender to personally
364 appear at a Department of Public Safety Driver's License Station
365 or to provide any registration or other information, including,
366 but not limited to, initial registration, reregistration or change

367 of address information, change of employment, change of name or
368 required notification to a volunteer organization, as required by
369 this chapter, is a violation of the law. Additionally, forgery of
370 information or submission of information under false pretenses is
371 also a violation of the law.

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

373 (i) Knowingly harbors, or knowingly attempts to
374 harbor, or knowingly assists another person in harboring or
375 attempting to harbor a sex offender who is in violation of this
376 chapter; or

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

381 (iii) Provides information to a law enforcement
382 agency regarding a sex offender which the person knows to be
383 false.

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

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

394 (a) If the sheriff locates the offender, he shall
395 enforce the provisions of this chapter. The sheriff shall then
396 notify the department with the current information regarding the
397 offender.

398 (b) If the sheriff is unable to locate the offender,
399 the sheriff shall promptly notify the department and initiate a

400 criminal prosecution against the offender for the failure to
401 register or reregister. The sheriff shall make the appropriate
402 transactions into the Federal Bureau of Investigation's
403 wanted-person database.

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

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

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

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

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

423 45-33-34. (1) The Department of Corrections and all law
424 enforcement agencies shall notify the department when a registered
425 sex offender is arrested or incarcerated for another offense or as
426 the result of having violated probation, parole, conditional
427 discharge or other sentence or court order.

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

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

435 45-33-35. (1) The Mississippi Department of Public Safety
436 shall maintain a central registry of sex offender information as
437 defined in Section 45-33-25 and shall adopt rules and regulations
438 necessary to carry out this section. The responsible agencies
439 shall provide the information required in Section 45-33-25 on a
440 form developed by the department to ensure accurate information is
441 maintained.

442 (2) Upon conviction, adjudication or acquittal by reason of
443 insanity of any sex offender, if the sex offender is not
444 immediately confined or not sentenced to a term of imprisonment,
445 the clerk of the court which convicted and sentenced the sex
446 offender shall inform the person of the duty to register,
447 including the duty to personally appear at a Department of Public
448 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.

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

458 (4) Before release from confinement in a mental institution
459 following an acquittal by reason of insanity, the director of the
460 facility shall inform the offender of the duty to register,
461 including the duty to personally appear at a Department of Public
462 Safety Driver's License Station, and shall notify the Department
463 of Public Safety of the offender's release.

464 (5) Before release from a youthful offender facility, the
465 director of the facility shall inform the person of the duty to

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

470 (6) In addition to performing the registration duties, the
471 responsible agency shall:

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

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

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

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

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

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

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

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

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

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

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

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

514 45-33-41. (1) The Department of Corrections or any person
515 having charge of a county or municipal jail or any juvenile
516 detention facility shall provide written notification to an inmate
517 or offender in the custody of the jail or other facility due to a
518 conviction of or adjudication for a sex offense of the
519 registration and notification requirements of Sections 45-33-25,
520 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or
521 offender's confinement and release from confinement, and shall
522 receive a signed acknowledgment of receipt on both occasions.

523 (2) At least ten (10) days prior to the inmate's release
524 from confinement, the Department of Corrections shall notify the
525 victim of the offense or a designee of the immediate family of the
526 victim regarding the date when the offender's release shall occur,
527 provided a current address of the victim or designated family
528 member has been furnished in writing to the Director of Records
529 for such purpose.

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

532 45-33-43. At the time a person surrenders a driver's license
533 from another jurisdiction or makes * * * application for a
534 driver's license, temporary driving permit, intermediate license,
535 commercial driver's license or identification card issued under
536 Section 45-35-3, the department shall provide the applicant with
537 written information on the registration requirements of this
538 chapter and shall require written acknowledgement by the applicant
539 of receipt of the notification.

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

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

544 45-33-47. (1) A sex offender with a duty to register under
545 Section 45-33-25 shall only be relieved of the duty under
546 subsection (2) of this section.

547 (2) A person having a duty to register under Section
548 45-33-25 may petition the circuit court of the sentencing
549 jurisdiction, or for a person whose duty to register arose in
550 another jurisdiction, the county in which the registrant resides,
551 to be relieved of that duty under the following conditions:

552 (a) The offender has maintained his registration in
553 Mississippi for not less than ten (10) years from the most recent
554 date of occurrence of at least one (1) of the following: release
555 from prison, placement on parole, supervised release or probation.
556 Incarceration for any offense will restart the ten-year minimum
557 registration requirement. Registration in any other jurisdiction
558 or state does not reduce the ten-year time requirement for
559 maintaining registration in Mississippi.

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

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

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

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

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

569 (v) Section 97-5-41 relating to the carnal
570 knowledge of a stepchild, adopted child or child of a cohabiting
571 partner; or

572 (vi) Any conviction for violation of a similar law
573 of another jurisdiction or designation as a sexual predator in
574 another jurisdiction.

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

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

584 (e) An offender twice adjudicated delinquent in a youth
585 court for the crime of rape pursuant to Section 96-3-65 or sexual
586 battery pursuant to Section 97-3-95 is subject to lifetime
587 registration and shall not be eligible to petition to be relieved
588 of the duty to register.

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

592 (g) The department shall continue to list in the
593 registry the name and registration information of all registrants
594 who no longer work, reside or attend school in this state even
595 after the registrant moves to another jurisdiction and registers

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

598 (3) In determining whether to release an offender from the
599 obligation to register, the court shall consider the nature of the
600 registrable offense committed and the criminal and relevant
601 noncriminal behavior of the petitioner both before and after
602 conviction. The court may relieve the offender of the duty to
603 register only if the petitioner shows, by clear and convincing
604 evidence, that the registrant properly maintained his registration
605 as required by law and that future registration of the petitioner
606 will not serve the purposes of this chapter and the court is
607 otherwise satisfied that the petitioner is not a current or
608 potential threat to public safety. The district attorney in the
609 circuit in which the petition is filed must be given notice of the
610 petition at least three (3) weeks before the hearing on the
611 matter. The district attorney may present evidence in opposition
612 to the requested relief or may otherwise demonstrate the reasons
613 why the petition should be denied. If the court denies the
614 petition, the petitioner may not again petition the court for
615 relief until one (1) year has elapsed unless the court orders
616 otherwise in its order of denial of relief.

617 (4) The offender will be required to continue registration
618 for any sex offense conviction unless the conviction is set aside
619 in any post-conviction proceeding, the offender receives a pardon,
620 the charge is dismissed or the offender has received a court order
621 pursuant to this section relieving him of the duty to register.
622 Upon submission of the appropriate documentation to the department
623 of one (1) of these occurrences, registration duties will be
624 discontinued.

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

627 45-33-47. (1) A sex offender with a duty to register under
628 Section 45-33-25 shall only be relieved of the duty under
629 subsection (2) of this section.

630 (2) A person having a duty to register under Section
631 45-33-25 may petition the circuit court of the sentencing
632 jurisdiction, or for a person whose duty to register arose in
633 another jurisdiction, the county in which the registrant resides,
634 to be relieved of that duty under the following conditions:

635 (a) The offender has maintained his registration in
636 Mississippi for not less than twenty-five (25) years from the most
637 recent date of occurrence of at least one (1) of the following:
638 release from prison, placement on parole, supervised release or
639 probation. Incarceration for any offense will restart the
640 twenty-five-year minimum registration requirement. Registration
641 in any other jurisdiction * * * does not reduce the
642 twenty-five-year time requirement for maintaining registration in
643 Mississippi.

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

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

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

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

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

653 (v) Section 97-5-41 relating to the carnal
654 knowledge of a stepchild, adopted child or child of a cohabiting
655 partner;

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

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

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

662 (ix) Any conviction for violation of a similar law
663 of another jurisdiction or designation as a sexual predator in
664 another jurisdiction.

665 (c) Notwithstanding another provision of this section,
666 an offender may petition the appropriate circuit court to be
667 relieved of the duty to register upon fifteen (15) years
668 satisfaction of the requirements of this section for a conviction
669 of misdemeanor dissemination of sexually oriented material to
670 children, Section 97-5-27(1).

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

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

680 (f) An offender fourteen (14) years of age or older
681 adjudicated delinquent in a youth court for the crime of rape
682 pursuant to Section 96-3-65 or sexual battery pursuant to Section
683 97-3-95 is subject to lifetime registration; however, the
684 offender * * * shall * * * be eligible to petition to be relieved
685 of the duty to register after twenty-five (25) years of
686 registration.

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

690 (h) The department shall continue to list in the
691 registry the name and registration information of all registrants
692 who no longer work, reside or attend school in this state even

693 after the registrant moves to another jurisdiction and registers
694 in the new jurisdiction as required by law. The registry shall
695 note that the registrant moved out of state.

696 (3) In determining whether to release an offender from the
697 obligation to register, the court shall consider the nature of the
698 registrable offense committed and the criminal and relevant
699 noncriminal behavior of the petitioner both before and after
700 conviction. The court may relieve the offender of the duty to
701 register only if the petitioner shows, by clear and convincing
702 evidence, that the registrant properly maintained his registration
703 as required by law and that future registration of the petitioner
704 will not serve the purposes of this chapter and the court is
705 otherwise satisfied that the petitioner is not a current or
706 potential threat to public safety. The district attorney in the
707 circuit in which the petition is filed must be given notice of the
708 petition at least three (3) weeks before the hearing on the
709 matter. The district attorney may present evidence in opposition
710 to the requested relief or may otherwise demonstrate the reasons
711 why the petition should be denied. If the court denies the
712 petition, the petitioner may not again petition the court for
713 relief until one (1) year has elapsed unless the court orders
714 otherwise in its order of denial of relief.

715 (4) The offender will be required to continue registration
716 for any sex offense conviction unless the conviction is set aside
717 in any post-conviction proceeding, the offender receives a pardon,
718 the charge is dismissed or the offender has received a court order
719 pursuant to this section relieving him of the duty to register.
720 Upon submission of the appropriate documentation to the department
721 of one (1) of these occurrences, registration duties will be
722 discontinued.

723 (5) The Department of Public Safety shall maintain an
724 Internet Web site in a manner that will permit the public to
725 obtain relevant information for each sex offender in the registry.

726 The Web site shall permit the public to obtain relevant
727 information for each offender by a single query for any given zip
728 code or geographic radius set by the user, such as a municipality
729 or county. The Department of Public Safety shall participate in
730 the Dru Sjodin National Sex Offender Public Web site.

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

733 45-33-51. (1) Any person who willfully misuses or alters
734 public record information relating to a sex offender, sexual
735 predator, or a person residing or working at an address reported
736 by a sex offender, including information displayed by law
737 enforcement agencies on web sites, shall be guilty of a
738 misdemeanor and shall be punished by a fine of not more than One
739 Thousand Dollars (\$1,000.00) or imprisonment in the county jail
740 not more than six (6) months, or both.

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

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

748 45-33-59. (1) Any person convicted of a sex offense who is
749 employed in any position, or who contracts with a person to
750 provide personal services, where the employment position or
751 personal services contract will bring the person into close
752 regular contact with children shall notify in writing the employer
753 or the person with whom the person has contracted of his sex
754 offender status.

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

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

759 47-7-35. (1) The courts referred to in Section 47-7-33 or
760 47-7-34 shall determine the terms and conditions of probation or
761 post-release supervision and may alter or modify, at any time
762 during the period of probation or post-release supervision, the
763 conditions and may include among them the following or any other:

764 That the offender shall:

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

767 (b) Avoid injurious or vicious habits;

768 (c) Avoid persons or places of disreputable or harmful
769 character;

770 (d) Report to the probation and parole officer as
771 directed;

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

774 (f) Work faithfully at suitable employment so far as
775 possible;

776 (g) Remain within a specified area;

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

778 (i) Support his dependents;

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

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

786 (2) When any court places a defendant on misdemeanor
787 probation, the court must cause to be conducted a search of the
788 probationer's name or other identifying information against the
789 registration information regarding sex offenders maintained under
790 Title 45, Chapter 33. The search may be conducted using the

791 Internet site maintained by the Department of Public Safety Sex
792 Offender Registry.

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

795 45-35-3. (1) Any person six (6) years of age or older may
796 be issued an identification card by the department which is
797 certified by the registrant and attested by the commissioner as to
798 true name, correct age and such other identifying data as required
799 by Section 45-35-5.

800 (2) The new, renewal or duplicate identification card of a
801 person required to register as a sex offender pursuant to Section
802 45-33-25 shall bear a designation identifying the cardholder as a
803 sex offender.

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

806 63-1-35. (1) The Commissioner of Public Safety shall
807 prescribe the form of licenses issued pursuant to this article
808 which shall, among other features, include a driver's license
809 number assigned by the Department of Public Safety which, at the
810 option of the licensee, may or may not be the social security
811 number of the licensee. A licensee who chooses not to use his
812 social security number as his driver's license number, except as
813 otherwise provided under subsection (2) of this section, shall
814 list his social security number with the department which shall
815 cross reference the social security number with the driver's
816 license number for purposes of identification. Additionally, each
817 license shall bear a full face color photograph of the licensee in
818 such form that the license and the photograph cannot be separated.
819 Such photograph shall be taken so that one (1) exposure will
820 photograph the applicant and the application simultaneously on the
821 same film. The department shall use a process in the issuance of
822 a license with a color photograph which shall prevent as nearly as
823 possible any alteration, counterfeiting, duplication,

824 reproduction, forging or modification of such license or the
825 superimposition of a photograph without ready detection. Such
826 photograph shall be replaced by the department at the time of
827 renewal. Driver licenses, including photographs appearing
828 thereon, may be renewed by electronic means according to rules and
829 regulations promulgated by the commissioner. The Department of
830 Public Safety may accept bank credit cards and debit cards in
831 payment of fees for driver license renewals that are processed by
832 electronic means and, if authorized by general law, may charge an
833 additional fee for the use of such cards.

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

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

844 **SECTION 17.** From and after the date of the state's receipt
845 and implementation of the Department of Justice community
846 notification software provided to the state in compliance with the
847 federal Adam Walsh Act, the following provisions shall apply:

848 (a) Upon receipt of sex offender registration or change
849 of registration information, the Department of Public Safety shall
850 immediately provide the information:

851 (i) The National Sex Offender Registry or other
852 appropriate databases;

853 (ii) The sheriff of the county where the offender
854 resides, is an employee, or is a student;

855 (iii) The sheriff of the county from which or to
856 which a change of residence, employment or student status occurs;
857 and

858 (iv) The Department of Human Services.

859 (b) The Department of Public Safety shall also provide
860 the information within five (5) business days to volunteer
861 organizations in which contact with minors or vulnerable adults
862 might occur and any organization, company or individual who
863 requests such notification pursuant to procedures established by
864 the Department of Public Safety.

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