

By: Senator(s) Tollison

To: Judiciary, Division B

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 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 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 45-33-59,
 19 MISSISSIPPI CODE OF 1972, TO REQUIRE NOTICE TO THE EMPLOYER TO BE
 20 IN WRITING; TO AMEND SECTION 47-7-35, MISSISSIPPI CODE OF 1972, TO
 21 REQUIRE REGISTRATION AS A SEX OFFENDER AS A CONDITION OF PROBATION
 22 FOR THOSE CONVICTED OF A SEX OFFENSE; TO AMEND SECTIONS 45-35-3
 23 AND 63-1-35, MISSISSIPPI CODE OF 1972, TO REQUIRE SEX OFFENDERS TO
 24 OBTAIN A NEW DRIVER'S LICENSE, PERMIT OR NONDRIVER'S
 25 IDENTIFICATION CARD THAT IDENTIFIES THE INDIVIDUAL AS A SEX
 26 OFFENDER; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

170 outside the State of Mississippi, the department shall notify the
171 appropriate state law enforcement agency of any state to which a
172 registrant is moving or has moved.

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

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

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

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

180 (d) Crime for which convicted;

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

183 (f) Aliases used;

184 (g) Social security number;

185 (h) Date and place of birth;

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

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

190 (k) Identifying factors;

191 (l) Anticipated future residence;

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

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

- 203 (o) Offense history;
- 204 (p) Photograph;
- 205 (q) Fingerprints and palm prints;
- 206 (r) Documentation of any treatment received for any
207 mental abnormality or personality disorder of the person;
- 208 (s) Biological sample;
- 209 (t) Name of any public or private educational
210 institution, including any secondary school, trade or professional
211 institution or institution of higher education at which the
212 offender is employed, carries on a vocation (with or without
213 compensation) or is enrolled as a student, and the registrant's
214 status;
- 215 (u) Copy of conviction or sentencing order for the sex
216 offense for which registration is required; * * *
- 217 (v) The offender's parole, probation or supervised
218 release status and the existence of any outstanding arrest
219 warrants; and
- 220 (w) Any other information deemed necessary.
- 221 (3) For purposes of this chapter, a person is considered to
222 be residing in this state if he maintains a permanent or temporary
223 residence as defined in Section 45-33-23, including students,
224 temporary employees and military personnel on assignment.
- 225 (4) (a) A person required to register under this chapter
226 shall not reside within one thousand five hundred (1,500) feet of
227 the real property comprising a public or nonpublic elementary or
228 secondary school or a child care facility.
- 229 (b) A person residing within one thousand five hundred
230 (1,500) feet of the real property comprising a public or nonpublic
231 elementary or secondary school or a child care facility does not
232 commit a violation of this subsection if any of the following
233 apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

314 45-33-29. (1) Upon any change of address, an offender
315 required to register under this chapter is required to personally
316 appear at a Department of Public Safety Driver's License Station
317 not less than ten (10) days before he intends to first reside at
318 the new address.

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

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

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

331 45-33-31. All registrants are required to personally appear
332 at a Department of Public Safety Driver's License Station to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

404 45-33-34. (1) * * * The county sheriff shall notify the
405 department when a registered sex offender is reincarcerated for
406 another offense or as the result of having violated probation,
407 parole, conditional discharge or other sentence or court order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

494 45-33-41. (1) The Department of Corrections or any person
495 having charge of a county or municipal jail or any juvenile
496 detention facility shall provide written notification to an inmate

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

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

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

512 45-33-43. At the time a person surrenders a driver's license
513 from another jurisdiction or makes an application for a driver's
514 license, the department shall provide the applicant with written
515 information on the registration requirements of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

609 45-33-47. (1) A sex offender with a duty to register under
610 Section 45-33-25 shall only be relieved of the duty under
611 subsection (2) of this section.

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

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

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

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

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

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

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

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

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

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

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

705 45-33-59. (1) Any person convicted of a sex offense who is
706 employed in any position, or who contracts with a person to
707 provide personal services, where the employment position or
708 personal services contract will bring the person into close
709 regular contact with children shall notify in writing the employer
710 or the person with whom the person has contracted of his sex
711 offender status.

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

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

716 47-7-35. (1) The courts referred to in Section 47-7-33 or
717 47-7-34 shall determine the terms and conditions of probation or
718 post-release supervision and may alter or modify, at any time
719 during the period of probation or post-release supervision, the
720 conditions and may include among them the following or any other:

721 That the offender shall:

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

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

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

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

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

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

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

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

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

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

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

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