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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.