

By: Representatives Gipson, Formby, DeBar,
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To: Judiciary B

HOUSE BILL NO. 1

1 AN ACT TO AMEND SECTIONS 45-33-25, 45-33-29 AND 45-33-36,
2 MISSISSIPPI CODE OF 1972, TO PROHIBIT A REGISTERED SEX OFFENDER
3 FROM RESIDING NEAR OR CONTACTING A MINOR VICTIM; TO REQUIRE THE
4 SHERIFF TO PROVIDE NOTICE TO PERSONS WHO LIVE WITHIN ONE MILE OF
5 THE RESIDENCE OF A SEX OFFENDER THAT AN OFFENDER IS RESIDING IN
6 THE AREA; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-33-25, Mississippi Code of 1972, is
9 amended as follows:

10 45-33-25. (1) (a) Any person having a permanent or
11 temporary residence in this state or who is employed or attending
12 school in this state who has been convicted of a registrable
13 offense in this state or another jurisdiction shall register with
14 the responsible agency and the Mississippi Department of Public
15 Safety. Registration shall not be required for an offense that is
16 not a registrable sex offense or for an offender who is under
17 fourteen (14) years of age. The department shall provide the
18 initial registration information as well as every change of name,
19 change of address, change of status at a school, or other change
20 of information as required by the department to the sheriff of the



21 county of the residence address of the registrant, the sheriff of
22 the county of the employment address, and the sheriff of the
23 county of the school address, if applicable, and any other
24 jurisdiction of the registrant through either written notice,
25 electronic or telephone transmissions, or online access to
26 registration information. Further, the department shall provide
27 this information to the Federal Bureau of Investigation.
28 Additionally, upon notification by the registrant that he intends
29 to reside outside the State of Mississippi, the department shall
30 notify the appropriate state law enforcement agency of any state
31 to which a registrant is moving or has moved.

32 (b) Any person having a permanent or temporary
33 residence or who is employed or attending school in this state who
34 has been adjudicated delinquent for a registrable sex offense
35 listed in this paragraph that involved use of force against the
36 victim shall register as a sex offender with the responsible
37 agency and shall personally appear at a Mississippi Department of
38 Public Safety Driver's License Station within three (3) business
39 days of registering with the responsible agency:

40 (i) Section 97-3-71 relating to rape and assault
41 with intent to ravish;

42 (ii) Section 97-3-95 relating to sexual battery;

43 (iii) Section 97-3-65 relating to statutory rape;

44 or



45 (iv) Conspiracy to commit, accessory to the
46 commission of, or attempt to commit any offense listed in this
47 paragraph.

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

50 (a) Name, including a former name which has been
51 legally changed;

52 (b) Street address of all current permanent and
53 temporary residences within state or out of state at which the sex
54 offender resides or habitually lives, including dates of temporary
55 lodgings;

56 (c) Date, place and address of employment, including as
57 a volunteer or unpaid intern or as a transient or day laborer;

58 (d) Crime for which charged, arrested or convicted;

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

61 (f) Aliases used or nicknames, ethnic or tribal names
62 by which commonly known;

63 (g) Social security number and any purported social
64 security number or numbers;

65 (h) Date and place of birth and any purported date and
66 place of birth;

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



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

71 (k) Driver's license or state or other jurisdiction
72 identification card number, which license or card may be
73 electronically accessed by the Department of Public Safety;

74 (l) Anticipated future residence;

75 (m) If the registrant's residence is a motor vehicle,
76 trailer, mobile home or manufactured home, the registrant shall
77 also provide vehicle identification number, license tag number,
78 registration number and a description, including color scheme, of
79 the motor vehicle, trailer, mobile home or manufactured home; if
80 the registrant's place of residence is a vessel or houseboat, the
81 registrant shall also provide the hull identification number,
82 manufacturer's serial number, name of the vessel or houseboat,
83 registration number and a description, including color scheme, of
84 the vessel or houseboat, including permanent or frequent locations
85 where the motor vehicle, trailer, mobile home, manufactured home,
86 vessel or houseboat is kept;

87 (n) Vehicle make, model, color and license tag number
88 for all vehicles owned or operated by the sex offender, whether
89 for work or personal use, and the permanent or frequent locations
90 where a vehicle is kept;

91 (o) Offense history;

92 (p) Photograph;

93 (q) Fingerprints and palm prints;



- 94 (r) Documentation of any treatment received for any
95 mental abnormality or personality disorder of the person;
- 96 (s) Biological sample;
- 97 (t) Name of any public or private educational
98 institution, including any secondary school, trade or professional
99 institution or institution of higher education at which the
100 offender is employed, carries on a vocation (with or without
101 compensation) or is enrolled as a student, or will be enrolled as
102 a student, and the registrant's status;
- 103 (u) Copy of conviction or sentencing order for the sex
104 offense for which registration is required;
- 105 (v) The offender's parole, probation or supervised
106 release status and the existence of any outstanding arrest
107 warrants;
- 108 (w) Every online identity, screen name or username
109 used, registered or created by a registrant;
- 110 (x) Professional licensing information which authorizes
111 the registrant to engage in an occupation or carry out a trade or
112 occupation;
- 113 (y) Information from passport and immigration
114 documents;
- 115 (z) All telephone numbers, including, but not limited
116 to, permanent residence, temporary residence, cell phone and
117 employment phone numbers, whether landlines or cell phones; and
118 (aa) Any other information deemed necessary.



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

123 (4) (a) A person required to register under this chapter
124 shall not reside within one thousand five hundred (1,500) feet of
125 the real property comprising a public or nonpublic elementary or
126 secondary school, a child care facility, a residential
127 child-caring agency, a children's group care home or any
128 playground, ballpark or other recreational facility utilized by
129 persons under the age of eighteen (18) years.

130 (b) A person residing within one thousand five hundred
131 (1,500) feet of the real property comprising a public or nonpublic
132 elementary or secondary school or a child care facility does not
133 commit a violation of this subsection if any of the following
134 apply:

135 (i) The person is serving a sentence at a jail,
136 prison, juvenile facility or other correctional institution or
137 facility.

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

140 (iii) The person established the subject residence
141 prior to July 1, 2006, or the school or child care facility is
142 located within one thousand five hundred (1,500) feet of the



143 person's residence subsequent to the date the person established
144 residency.

145 (iv) The person is a minor or a ward under a
146 guardianship.

147 (c) A person residing within one thousand five hundred
148 (1,500) feet of the real property comprising a residential
149 child-caring agency, a children's group care home or any
150 playground, ballpark or other recreational facility utilized by
151 persons under the age of eighteen (18) years does not commit a
152 violation of this subsection if any of the following apply:

153 (i) The person established the subject residence
154 prior to July 1, 2008, or the residential child-caring agency, a
155 children's group care home, playground, ballpark or other
156 recreational facility utilized by persons under the age of
157 eighteen (18) years is established within one thousand five
158 hundred (1,500) feet of the person's residence subsequent to the
159 date the person established residency.

160 (ii) Any of the conditions described in subsection
161 (4) (b) (i), (ii) or (iv) exist.

162 (5) A person required to register under this chapter whose
163 victim was a minor shall not:

164 (a) Reside within one thousand five hundred (1,500)
165 feet of the property line of any of the offender's former victims,
166 except as otherwise authorized by law;



167 (b) Come within one hundred (100) feet of any of the
168 offender's former victims, except as otherwise authorized by law;
169 or

170 (c) Contact any of the offender's former victims or the
171 victim's immediate family members without the consent of the
172 victim or consent of the victim's parent or guardian if the victim
173 is a minor being contacted by telephone, in writing, by electronic
174 mail, Internet services or any other form of electronic
175 communication, unless otherwise authorized by law.

176 (* * *6) The Department of Public Safety is required to
177 obtain the text of the law defining the offense or offenses for
178 which the registration is required.

179 **SECTION 2.** Section 45-33-29, Mississippi Code of 1972, is
180 amended as follows:

181 45-33-29. (1) Upon any change of address, including
182 temporary lodging, an offender required to register under this
183 chapter is required to personally appear at a Department of Public
184 Safety Driver's License Station not less than ten (10) days before
185 he intends to first reside at the new address. The Department of
186 Public Safety shall notify the sheriff of the county where the
187 offender is establishing a new residence. The sheriff shall
188 confirm the residence and provide notice to all persons who reside
189 within one (1) mile of the new residence that a person required to
190 register as a sex offender is establishing residence in the area.
191 The sheriff or a deputy of the sheriff shall confirm the residence



192 of the offender by visiting the address of the residence that is
193 provided by the offender.

194 (2) Upon any change in the status of a registrant's
195 enrollment, employment or vocation at any public or private
196 educational institution, including any secondary school, trade or
197 professional institution or institution of higher education, the
198 offender is required to personally appear at a Department of
199 Public Safety Driver's License Station within three (3) business
200 days of the change.

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

205 (4) Upon any change of vehicle information, a registrant is
206 required to report the change on an appropriate form supplied by
207 the department within three (3) business days of the change.

208 (5) Upon any change of e-mail address or addresses, instant
209 message address or addresses, or any other designation used in
210 Internet communications, postings or telephone communications, a
211 registrant is required to report the change on an appropriate form
212 supplied by the department within three (3) business days of the
213 change.

214 (6) Upon any change of information deemed by the department
215 to be necessary to the state's policy to assist local law
216 enforcement agencies' efforts to protect their communities, a



217 registrant is required to report the change on an appropriate form
218 supplied by the department within three (3) business days of the
219 change.

220 **SECTION 3.** Section 45-33-36, Mississippi Code of 1972, is
221 amended as follows:

222 45-33-36. (1) Upon receipt of sex offender registration or
223 change of registration information, the Department of Public
224 Safety shall immediately provide the information to:

225 (a) The National Sex Offender Registry or other
226 appropriate databases;

227 (b) The sheriff of the county or any other jurisdiction
228 where the offender resides, is an employee or is a student or
229 intends to reside, work, attend school or volunteer and the
230 sheriff or a deputy of the sheriff shall confirm the residence by
231 visiting the address of residence provided by the offender and the
232 sheriff shall provide notice to all persons who reside within one
233 (1) mile of the residence of the offender that an offender is
234 residing in the area;

235 (c) The sheriff of the county or any other jurisdiction
236 from which or to which a change of residence, employment or
237 student status occurs;

238 (d) The Department of Human Services and any other
239 social service entities responsible for protecting minors in the
240 child welfare system;



241 (e) The probation agency that is currently supervising
242 the sex offender;

243 (f) Any agency responsible for conducting
244 employment-related background checks under Section 3 of the
245 National Child Protection Act of 1993 (42 USC 5119(a));

246 (g) Each school and public housing agency in each
247 jurisdiction in which the sex offender resides, is an employee or
248 is a student;

249 (h) All prosecutor offices in each jurisdiction in
250 which the sex offender resides, is an employee, or is a student;
251 and

252 (i) Any other agencies with criminal investigation,
253 prosecution or sex offender supervision functions in each
254 jurisdiction in which the sex offender resides, is an employee, or
255 is a student.

256 (2) The Department of Public Safety shall post changes to
257 the public registry website within three (3) business days.
258 Electronic notification will be available via the Internet to all
259 law enforcement agencies, to any volunteer organizations in which
260 contact with minors or vulnerable adults might occur and any
261 organization, company or individual who requests notification
262 pursuant to procedures established by the Department of Public
263 Safety. This provision shall take effect upon the state's receipt
264 and implementation of the Department of Justice software in
265 compliance with the provisions of the Adam Walsh Act.



266 **SECTION 4.** This act shall take effect and be in force from
267 and after July 1, 2013.

