

By: Representatives Busby, Ford (73rd),
Paden, Faulkner, Eubanks

To: Transportation

HOUSE BILL NO. 1371
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-1-13, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE DIRECTOR OF THE DRIVER SERVICES DIVISION,
3 DIRECTOR OF THE DRIVER LICENSE EXAMINING BUREAU AND SUPERVISING
4 EXAMINERS MUST MEET QUALIFICATIONS SET BY THE STATE PERSONNEL
5 BOARD FOR THE POSITION; TO PROHIBIT ACTIVE-SERVICE HIGHWAY PATROL
6 OFFICERS FROM SERVING IN THE DRIVER LICENSE EXAMINING BUREAU; TO
7 AMEND SECTION 63-1-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
8 DRIVER'S LICENSE KIOSKS SHALL BE EQUIPPED WITH PRINTERS ON
9 LOCATION AT ALL KIOSK LOCATIONS IN THE STATE FOR THE PURPOSE OF
10 PRINTING ALL KIOSK DOCUMENTS, CARDS AND OTHER PRINTOUTS ON SITE;
11 TO PROVIDE THAT AT EACH DRIVER'S LICENSE LOCATION IN THE STATE,
12 THERE SHALL BE LOCATION SIGNS PROMINENTLY DISPLAYED PROVIDING FOR
13 REQUIRED INFORMATION FOR THE VARIOUS LICENSES, CARDS AND OTHER
14 SERVICES; TO PROVIDE THAT ON THE DRIVER SERVICES DIVISION'S
15 WEBSITE, THERE SHALL BE TUTORIAL VIDEOS LINKED TO ONLINE
16 PROCEDURES TO HELP CLEARLY ILLUSTRATE HOW TO USE THE WEBSITE; TO
17 PROVIDE THAT ON THE DRIVER SERVICES DIVISION'S WEBSITE, THE "WAIT
18 ANYWHERE APPOINTMENT," OR ITS EQUIVALENT OR SUCCESSOR PROGRAM,
19 SHALL BE MADE AVAILABLE TO USE FOR ALL DRIVER'S LICENSE LOCATIONS
20 IN THE STATE; TO AMEND SECTIONS 63-1-35 AND 45-35-3, MISSISSIPPI
21 CODE OF 1972, TO DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO
22 DEVELOP AND IMPLEMENT AN ELECTRONIC FORMAT FOR DRIVER'S LICENSES,
23 DRIVING PERMITS AND IDENTIFICATION CARDS AS AN OPTION FOR LICENSE
24 HOLDERS, PERMIT HOLDERS AND CARD HOLDERS; TO AMEND SECTION
25 63-1-33, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF
26 PUBLIC SAFETY TO ACCEPT THE CERTIFICATION OF SUCCESSFUL COMPLETION
27 OF AN INDIVIDUAL'S TRAINING IN THE KNOWLEDGE AND SKILLS NEEDED FOR
28 THE PROPER AND SAFE OPERATION OF A MOTOR VEHICLE FROM A DRIVER
29 EDUCATION AND TRAINING PROGRAM AT A SECONDARY SCHOOL THAT MEETS
30 THE STANDARDS OF THE STATE BOARD OF EDUCATION, IN LIEU OF THE
31 DEPARTMENT ADMINISTERING THE EXAMINATION OF THE INDIVIDUAL FOR THE
32 PURPOSE OF OBTAINING A DRIVER'S LICENSE; TO SPECIFY WHO MAY BE
33 EMPLOYED AS INSTRUCTORS IN SUCH SECONDARY SCHOOL PROGRAMS; TO
34 DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO DEVELOP AN AFFIDAVIT



35 WHEREBY A PARENT, GUARDIAN OR TEACHER MAY CERTIFY THAT HE OR SHE
36 HAS WITNESSED A STUDENT OPERATE A MOTOR VEHICLE FOR AT LEAST 50
37 HOURS AND ATTEST TO THEIR PROFICIENCY IN THE PROPER AND SAFE
38 OPERATION OF A MOTOR VEHICLE AND PROVIDE THAT THE DEPARTMENT OF
39 PUBLIC SAFETY SHALL ACCEPT SUCH IN LIEU OF A SKILLS TEST BY THE
40 DEPARTMENT; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO
41 PROVIDE FOR A \$10.00 REDUCTION OF A DRIVER'S LICENSE FEE IN
42 CERTAIN INSTANCES WHERE THE PERSON DOES NOT RECEIVE THEIR LICENSE
43 AFTER A 2.5 HOUR WAIT; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE
44 OF 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO EMAIL AND
45 TEXT NOTIFICATION OF THE UPCOMING EXPIRATION OF A DRIVER'S LICENSE
46 AT LEAST THIRTY DAYS PRIOR TO THE EXPIRATION DATE; TO AMEND
47 SECTION 63-1-208, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
48 COMMISSIONER OF PUBLIC SAFETY TO AUTHORIZE CERTAIN THIRD PARTIES
49 TO ADMINISTER THE KNOWLEDGE AND SKILLS TEST REQUIRED FOR A
50 COMMERCIAL DRIVER'S LICENSE; TO AMEND SECTION 63-1-211,
51 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CDL RENEWALS SHALL BE
52 AVAILABLE TO BE PERFORMED ONLINE EXCEPT FOR IN CERTAIN
53 CIRCUMSTANCES; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
54 UPLOAD MEDICAL CARD INFORMATION AND NOTIFY LICENSE HOLDERS WITHIN
55 A CERTAIN AMOUNT OF TIME; TO AMEND SECTIONS 45-33-25, 45-33-27,
56 45-33-29, 45-33-31, 45-33-33 AND 45-33-35, MISSISSIPPI CODE OF
57 1972, TO CHANGE THE LOCATION FOR MANDATORY PERSONAL APPEARANCES OF
58 REGISTERED SEX OFFENDERS FROM THE DRIVER'S LICENSE STATION TO A
59 FACILITY DESIGNATED BY THE DEPARTMENT OF PUBLIC SAFETY, OR IN A
60 MANNER OF THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY'S CHOOSING,
61 INCLUDING BY ELECTRONIC MEANS; AND FOR RELATED PURPOSES.

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

63 **SECTION 1.** Section 63-1-13, Mississippi Code of 1972, is
64 amended as follows:

65 63-1-13. The commissioner is hereby authorized and empowered
66 to appoint a Director of the Driver Services Division who is a
67 qualified elector of the State of Mississippi and who meets the
68 qualifications set by the State Personnel Board for the position.

69 Such director shall execute and furnish a bond in the amount of
70 Ten Thousand Dollars (\$10,000.00) with a surety company authorized
71 to do business in this state. The bond shall be conditioned on
72 the faithful performance of his duties and be subject to the
73 approval of the commissioner. The director shall have control and



74 supervision of the Driver Services Division and shall be
75 answerable to the commissioner in the performance of his duties.

76 The commissioner shall employ such other technical,
77 professional and clerical assistants as may be needed to conduct
78 the work of the division. The commissioner is also authorized to
79 employ a Director of the Driver License Examining Bureau, who
80 meets the qualifications set by the State Personnel Board for the
81 position, and the necessary supervising examiners, who meet the
82 qualifications set by the State Personnel Board for the position,
83 to assist the Director of the Driver License Examining Bureau in
84 the supervision of the license personnel. The commissioner is
85 also authorized to employ the necessary additional personnel to
86 serve and be designated as "license examiners." * * * The
87 commissioner shall employ such other technical, professional and
88 clerical assistants as may be needed to conduct the work of the
89 bureau. However, not later than July 1, 2021, the commissioner
90 shall not employ an active-service Highway Patrol Officer in the
91 bureau.

92 **SECTION 2.** Section 63-1-16, Mississippi Code of 1972, is
93 amended as follows:

94 63-1-16. (1) The Department of Public Safety shall, upon
95 request of the board of supervisors, furnish either a permanent
96 driver's license kiosk or a license examiner at a location in each
97 county seat for at least one (1) day every month to conduct
98 licensing examinations, road tests and renewals. It is the option



99 of the board of supervisors so requesting to choose either the
100 permanent driver's license kiosk or a license examiner. The
101 county shall furnish the office, heating and cooling, phone
102 service and Internet connectivity at the location for the kiosk or
103 license examiner.

104 (2) Driver's license kiosks shall be equipped with printers
105 on location at all kiosk locations in the state for the purpose of
106 printing all kiosk documents, cards and other printouts on site.

107 (3) At each driver's license location in the state, there
108 shall be location signs prominently displayed providing for
109 required information for the various licenses, cards and other
110 services.

111 (4) On the Driver Services Division's website, there shall
112 be tutorial videos linked to online procedures to help clearly
113 illustrate how to use the website.

114 (5) On the Driver Services Division's website, the "Wait
115 Anywhere Appointment," or its equivalent or successor program,
116 shall be made available to use for all driver's license locations
117 in the state.

118 **SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is
119 amended as follows:

120 63-1-35. (1) The Commissioner of Public Safety shall
121 prescribe the form of license issued pursuant to this article
122 which shall, among other features, include a driver's license
123 number assigned by the Department of Public Safety. A licensee



124 shall list his social security number with the department which
125 shall cross reference the social security number with the driver's
126 license number for purposes of identification. Additionally, each
127 license shall bear a full-face color photograph of the licensee in
128 such form that the license and the photograph cannot be separated.
129 The photograph shall be taken so that one (1) exposure will
130 photograph the applicant and the application simultaneously on the
131 same film. The department shall use a process in the issuance of
132 a license with a color photograph that shall prevent as nearly as
133 possible any alteration, counterfeiting, duplication,
134 reproduction, forging or modification of the license or the
135 superimposition of a photograph without ready detection. The
136 photograph shall be replaced by the department at the time of
137 renewal. Drivers' licenses, including photographs appearing
138 thereon, may be renewed by electronic means according to rules and
139 regulations promulgated by the commissioner in conformity to
140 Section 27-104-33.

141 (2) The commissioner shall prescribe the form of license
142 issued pursuant to this article to licensees who are not United
143 States citizens and who do not possess a social security number
144 issued by the United States government. The license of such
145 persons shall include a number and/or other identifying features.

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



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

151 (4) The commissioner is authorized to provide the new,
152 renewal or duplicate driver's license, temporary driving permit,
153 intermediate license or commercial driver's license to any
154 honorably discharged veteran as defined in Title 38 of the United
155 States Code, and such license or permit shall exhibit the letters
156 "Vet" or any other mark identifying the person as a veteran. The
157 veteran requesting the "Vet" designation shall present his DD-214
158 or equivalent document that includes a notation from the State
159 Veterans Affairs Board that the applicant is a veteran.

160 (5) Not later than July 1, 2021, the commissioner shall
161 develop and implement a driver's license or driving permit in
162 electronic format as an additional option for license or permit
163 holders. Acceptable electronic formats include display of
164 electronic images on a cellular phone or any other type of
165 electronic device.

166 **SECTION 4.** Section 45-35-3, Mississippi Code of 1972, is
167 amended as follows:

168 45-35-3. (1) Any person six (6) years of age or older may
169 be issued an identification card by the department which is
170 certified by the registrant and attested by the commissioner as to
171 true name, correct age and such other identifying data as required
172 by Section 45-35-5.



173 (2) The new, renewal or duplicate identification card of a
174 person required to register as a sex offender pursuant to Section
175 45-33-25 shall bear a designation identifying the cardholder as a
176 sex offender.

177 (3) The commissioner is authorized to provide the new,
178 renewal or duplicate identification card to any honorably
179 discharged veteran as defined in Title 38 of the United States
180 Code, and such identification card shall exhibit the letters "Vet"
181 or any other mark identifying the person as a veteran. The
182 veteran requesting the "Vet" designation shall present his DD-214
183 or equivalent document that includes a notation from the State
184 Veterans Affairs Board that the applicant is a veteran.

185 (4) Not later than July 1, 2021, the commissioner shall
186 develop and implement an identification card in electronic format
187 as an additional option for card holders. Acceptable electronic
188 formats include display of electronic images on a cellular phone
189 or any other type of electronic device.

190 **SECTION 5.** Section 63-1-33, Mississippi Code of 1972, is
191 amended as follows:

192 63-1-33. (1) Except as otherwise provided under subsections
193 (6) and (7) of this section, it shall be the duty of the license
194 examiner, when application is made for an operator's license or
195 regular learner's permit, to test the applicant's ability to read
196 and understand road signs and to give the required signals as
197 adopted by the National Advisory Committee on Uniform Traffic



198 Control Devices and the American Association of Motor Vehicle
199 Administrators.

200 (2) Except as otherwise provided under subsections (6) and
201 (7) of this section, the commissioner shall have prepared and
202 administer a test composed of at least ten (10) questions relating
203 to the safe operation of a motor vehicle and testing the
204 applicant's knowledge of the proper operation of a motor vehicle.
205 Every examination shall ensure adequate knowledge on the part of
206 the applicant as to school bus safety requirements.

207 (3) Prior to the administration of the test, the license
208 examiner shall inspect the horn, lights, brakes, vehicle
209 registration and proof of liability coverage of the motor vehicle
210 which the applicant expects to operate while being tested, and if
211 he finds that any of the aforementioned items are deficient, no
212 license or endorsement shall be issued to the applicant until same
213 have been repaired.

214 (4) An applicant for a Mississippi driver's license who, at
215 the time of application, holds a valid motor vehicle driver's
216 license issued by another state shall not be required to take a
217 written test.

218 (5) Except as otherwise provided by Section 63-1-6, when
219 application is made for an original motorcycle endorsement, the
220 applicant shall be required to pass a written test which consists
221 of questions relating to the safe operation of a motorcycle and a
222 skill test similar to the "Motorcycle Operator Skill Test," which



223 is endorsed by the American Association of Motor Vehicle
224 Administrators. The commissioner may exempt any applicant from
225 the skill test if the applicant presents a certificate showing
226 successful completion of a course approved by the commissioner,
227 which includes a similar examination of skills needed in the safe
228 operation of a motorcycle.

229 (6) The Department of Public Safety * * * shall accept the
230 certification of successful completion of an individual's training
231 in the knowledge and skills needed for the proper and safe
232 operation of a motor vehicle from a driver education and training
233 program at a secondary school that meets the standards of
234 the * * * State Board of Education, in lieu of the department
235 administering the examination of the individual for the purpose of
236 obtaining a driver's license. The school may employ teachers duly
237 certified by the Department of Education to teach in such a
238 program. In addition, off-duty members of the Mississippi Highway
239 Safety Patrol shall be authorized to teach in such a program
240 without having to obtain a teaching certificate from the
241 Department of Education. Instructors will be considered employees
242 of the school, not of the Driver License Examining Bureau. The
243 commissioner and the State Board of Education shall jointly
244 promulgate rules and regulations for the administration of this
245 subsection.

246 (7) The commissioner shall develop an affidavit whereby a
247 parent, teacher or guardian may certify that he or she has



248 witnessed a student operate a motor vehicle for at least fifty
249 (50) hours and attest to their proficiency in the proper and safe
250 operation of a motor vehicle and the Department of Public Safety
251 shall accept such in lieu of a skills test conducted by the
252 department.

253 **SECTION 6.** Section 63-1-43, Mississippi Code of 1972, is
254 amended as follows:

255 63-1-43. (1) The commissioner shall charge and collect the
256 following fees:

257 (a) Fees to which the card stock fee authorized in
258 Section 45-1-21 shall be added:

259 Class R original or renewal four-year license	
260 authorized in Section 63-1-5.....	\$18.00
261 Class R original or renewal eight-year license	
262 authorized in Section 63-1-5.....	\$36.00
263 Class D original or renewal four-year license	
264 authorized in Section 63-1-47.....	\$23.00
265 Class D original or renewal eight-year license	
266 authorized in Section 63-1-47.....	\$46.00
267 Four-year Identification Card authorized in	
268 Section 45-35-7.....	\$11.00
269 Eight-year Identification Card authorized in	
270 Section 45-35-7.....	\$22.00
271 Eight-year Identification Card for the blind	
272 authorized in Section 45-35-7.....	\$11.00



273 Four-year Disability Identification Card authorized in
 274 Section 45-35-53.....\$11.00
 275 Regular Learner's Permit authorized in Section 63-1-21.....\$ 1.00
 276 Duplicate Identification Card or Disability
 277 Identification Card.....\$ 5.00
 278 Intermediate license authorized in Section 63-1-21.....\$ 5.00
 279 Duplicate Class R or Class D license
 280 authorized in Section 63-1-37.....\$ 5.00
 281 Class A, B or C Commercial driver's license
 282 authorized in Section 63-1-208.....\$48.00
 283 CDL Learner's Permit authorized in Section 63-1-208.....\$10.00
 284 Duplicate CDL or CDL learner's permit.....\$ 5.00
 285 Ignition-Interlock-Restricted License
 286 authorized in Section 63-11-31.....\$50.00
 287 (b) Driver services fees to which the card stock fee
 288 authorized in Section 45-1-21 is not added:
 289 Temporary Motorcycle Permit.....\$ 1.00
 290 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
 291 Late Renewal Fee.....\$ 1.00
 292 Four-year Identification Card upon medical reason for
 293 surrender of a driver's license as authorized in
 294 Section 45-35-7 (one (1) time only).....No fee
 295 Hazardous Materials Background Check (federal).....\$63.00
 296 Hazardous Materials Background Check (state).....\$37.00
 297 CDL Application Fee.....\$25.00



298	CDL Endorsements:	
299	Tanker Endorsement.....	\$ 5.00
300	Doubles/Triples Endorsement.....	\$ 5.00
301	Passenger Endorsement.....	\$ 5.00
302	Hazardous Materials Endorsement.....	\$ 5.00
303	School Bus Endorsement.....	\$ 5.00

304 (c) In addition to the fees required in this section,
305 an applicant may contribute an additional One Dollar (\$1.00) which
306 shall be deposited into the Statewide Litter Prevention Fund. The
307 applicant shall be informed that he may contribute an additional
308 One Dollar (\$1.00) which shall be deposited into the Statewide
309 Litter Prevention Fund and shall be expended solely for the
310 purpose of funding litter prevention projects or litter education
311 programs, as recommended by the Statewide Litter Prevention
312 Program of Keep Mississippi Beautiful, Inc.

313 (d) Starting January 1, 2021, for any original or
314 renewal license for which the fee is greater than Ten Dollars
315 (\$10.00), if the applicant brings all required documentation but
316 does not receive his or her license within two and one-half
317 (2-1/2) hours of entering and remaining at the license station,
318 Ten Dollars (\$10.00) shall be deducted from the total amount owed
319 for the license.

320 (2) All originals and renewals of operators' licenses shall
321 be in compliance with Section 63-1-47.



322 **SECTION 7.** Section 63-1-47, Mississippi Code of 1972, is
323 amended as follows:

324 63-1-47. (1) (a) Except as otherwise provided in this
325 section, each applicant for an original or renewal Class R or
326 Class D license issued pursuant to this article, who is entitled
327 to issuance of same, shall be issued a four-year license or an
328 eight-year license, at the option of the applicant, which will
329 expire at midnight on the licensee's birthday and may be renewed
330 any time within six (6) months before the expiration of the
331 license upon application and payment of the required fee, unless
332 required to be reexamined.

333 (b) The term of an intermediate license issued under
334 this article shall be one (1) year.

335 (c) The term of an * * * ignition-interlock-restricted
336 license issued under this article shall be four (4) years.

337 (2) Any commercial driver's license issued under Article 5
338 of this chapter shall be issued for a five-year term to expire at
339 midnight on the licensee's birthday.

340 (3) (a) All applications by an operator under eighteen (18)
341 years of age must be accompanied by documentation that the
342 applicant is in compliance with the education requirements of
343 Section 63-1-9(1)(g), and the documentation used in establishing
344 compliance must be dated no more than thirty (30) days before the
345 date of application.



346 (b) All applications by an operator under eighteen (18)
347 years of age, if applicable, must be accompanied by documentation
348 signed and notarized by the parent or guardian of the applicant
349 and the appropriate school official, authorizing the release of
350 the applicant's attendance records to the Department of Public
351 Safety as required under Section 63-1-10.

352 (c) The commissioner shall suspend the driver's
353 license, intermediate license or regular learner's permit of a
354 student under eighteen (18) years of age who has been reported by
355 the Department of Education as required by Section 63-1-10.1, and
356 shall give notice of the suspension to the licensee as provided in
357 Section 63-1-52(4). A school superintendent or designee may
358 request that the driver's license, intermediate license or regular
359 learner's permit that has been suspended under the provisions of
360 this subsection be reinstated after the student has successfully
361 completed nine (9) weeks of school attendance without an unlawful
362 absence.

363 (4) (a) Any original or renewal license issued under this
364 chapter to a person who is not a United States citizen shall
365 expire four (4) years from the date of issuance or on the
366 expiration date of the applicant's authorized stay in the United
367 States, whichever is the lesser period of time, and may be
368 renewed, if the person is otherwise qualified to renew the
369 license, within thirty (30) days of expiration. The fee for any



370 such license and for renewal shall be as prescribed in Section
371 63-1-43.

372 (b) Any applicant for an original or renewal license
373 under this subsection (4) must present valid documentary evidence
374 documenting that the applicant:

375 (i) Is a citizen or national of the United States;

376 (ii) Is an alien lawfully admitted for permanent
377 or temporary residence in the United States;

378 (iii) Has conditional permanent residence status
379 in the United States;

380 (iv) Has an approved application for asylum in the
381 United States or has entered into the United States in refugee
382 status;

383 (v) Has a valid, unexpired nonimmigrant visa or
384 nonimmigrant visa status for entry into or lawful presence in the
385 United States;

386 (vi) Has a pending application for asylum in the
387 United States;

388 (vii) Has a pending or approved application for
389 temporary protected status in the United States;

390 (viii) Has approved deferred-action status;

391 (ix) Has a pending application for adjustment of
392 status to that of an alien lawfully admitted for permanent
393 residence in the United States or conditional permanent resident
394 status in the United States; or



395 (x) Has a valid employment authorization card
396 issued by the United States Department of Homeland Security.

397 (5) For any driver's license issued under this chapter, the
398 Department of Public Safety shall send an email and text message
399 notification of an upcoming driver's license expiration date to
400 the known emails and phone numbers authorized by license holders
401 for such notices not less than thirty (30) days before the
402 expiration date of that license.

403 **SECTION 8.** Section 63-1-208, Mississippi Code of 1972, is
404 amended as follows:

405 63-1-208. (1) Except as otherwise provided, the
406 commissioner shall not issue a commercial driver's license and
407 commercial learner's permit to any person under the age of
408 twenty-one (21) years.

409 (2) No person may be issued a commercial driver's license
410 unless that person is domiciled in this state and has passed a
411 knowledge and skills test for driving a commercial motor vehicle
412 which complies with minimum federal standards established by
413 federal regulation enumerated in 49 CFR, Part 383, subparts F, G
414 and H and has satisfied all other requirements of Title XII of
415 Public Law 99-570 in addition to other requirements imposed by
416 state law or federal regulation. The tests shall be prescribed
417 and conducted by the commissioner. If the applicant wishes to
418 have a hazardous materials endorsement, the written test for a
419 hazardous materials endorsement must be taken and passed. In



420 addition, the applicant must successfully complete the security
421 threat assessment required by 49 CFR, Part 1572.

422 (3) (a) Any person who has been certified to provide
423 commercial driver's license testing by the International Driver
424 Examiner Certification (IDEC) program administered by the American
425 Association of Motor Vehicle Administrators (AAMVA) shall, for
426 purposes of this section, be defined as a certified third party
427 examiner (CTPE). * * * In addition, the commissioner * * * shall
428 authorize * * * any person, including an agency of this or another
429 state, an employer, a private driver training facility, or other
430 private institution, or a department, agency or instrumentality of
431 local government, to administer the knowledge and skills test
432 specified by this section, provided:

433 (* * * i) The test is the same as would otherwise
434 be administered by the state; and

435 (* * * ii) Either: 1. The third party has entered
436 into an agreement with this state which complies with requirements
437 of 49 CFR, Part 383.75 * * *; or

438 2. The third party is a CTPE as defined in
439 this subsection. The CTPE shall not be a direct employee of a
440 trucking company.

441 (b) A CTPE performing testing under this section shall
442 not be liable for any claim sounding in tort arising out of such
443 testing.

444 (4) A skills test may be waived as follows:



445 (a) The commissioner, by rules adopted pursuant to the
446 Mississippi Administrative Procedures Law, shall provide for a
447 waiver of the skills test specified in this section for a
448 commercial driver's license applicant who meets the requirements
449 of 49 CFR, Part 383.77;

450 (b) The rules may establish deadlines by which
451 applicants must claim entitlement and qualification to skills test
452 waivers and may provide for the scheduling of group knowledge
453 testing;

454 (c) The commissioner shall adopt rules and regulations
455 to carry out the provisions of this subsection (4) as soon as
456 practicable after July 1, 2017, but in any case no later than July
457 1, 2018.

458 (5) A commercial learner's permit shall be issued as
459 follows:

460 (a) A commercial learner's permit may be issued to an
461 individual who holds a valid Mississippi driver's license who has
462 passed the vision and written tests required for the class of
463 license authorizing the operation of the type of vehicle for which
464 the permit application is being made;

465 (b) The commercial learner's permit shall be issued for
466 a period of six (6) months for the fee prescribed in Section
467 63-1-43. Only one (1) renewal or reissuance may be granted within
468 a two-year period. The holder of a commercial learner's permit
469 may, unless otherwise disqualified, drive a commercial motor



470 vehicle on a highway only when accompanied by the holder of a
471 commercial driver's license valid for the type of vehicle driven
472 who occupies a seat beside the individual for the purpose of
473 giving instruction in driving the commercial motor vehicle.

474 (6) A commercial driver's license or commercial learner's
475 permit may not be issued to a person while the person is subject
476 to a disqualification from driving a commercial motor vehicle, or
477 while the person's driver's license is suspended, revoked or
478 cancelled in any state. A driver's license may not be issued to a
479 person who has a commercial driver's license issued by any state
480 unless the person first surrenders all driver's licenses issued by
481 any state, which licenses shall be returned to the issuing states
482 for cancellation.

483 (7) A person shall be entitled to take the test for a
484 commercial driver's license unless the person's driver's license
485 is, at the time of the requested test, suspended, revoked,
486 cancelled or disqualified in any other state.

487 (8) Notwithstanding any requirement imposed by state law or
488 state or federal regulations restricting the issuance of a
489 commercial driver's license to a person suffering from diabetes, a
490 person suffering from diabetes may be issued a commercial driver's
491 license if the person otherwise meets all qualifications for
492 issuance provided:



493 (a) The driver is physically examined every year,
494 including an examination by a board-certified/eligible
495 endocrinologist attesting to the fact that the driver is:

496 (i) Free of insulin reactions (an individual is
497 free of insulin reactions if that individual does not have severe
498 hypoglycemia or hypoglycemia unawareness, and has less than one
499 (1) documented, symptomatic hypoglycemic reaction per month);

500 (ii) Able to and has demonstrated willingness to
501 properly monitor and manage the person's diabetes; and

502 (iii) Not likely to suffer any diminution in
503 driving ability due to the person's diabetic condition.

504 (b) The driver agrees to and complies with the
505 following conditions:

506 (i) A source of rapidly absorbable glucose shall
507 be carried at all times while driving;

508 (ii) Blood glucose levels shall be self-monitored
509 one (1) hour prior to driving and at least once every four (4)
510 hours while driving or on duty prior to driving using a portable
511 glucose monitoring device equipped with a computerized memory;

512 (iii) Submit blood glucose logs to the
513 endocrinologist or medical examiner at the annual examination or
514 when otherwise directed by the Department of Public Safety;

515 (iv) Provide a copy of the endocrinologist's
516 report to the medical examiner at the time of the annual medical
517 examination; and



518 (v) Provide a copy of the annual medical
519 certification to the person's employer for retention in the
520 driver's qualification file and retain a copy of the certification
521 on his person while driving for presentation to a duly authorized
522 federal, state or local enforcement official.

523 (c) The commercial license issued under this subsection
524 (8) will bear an endorsement restricting commercial driving on the
525 license to driving only within the boundaries of Mississippi.

526 (9) The fees for all licenses, permits, renewals and
527 endorsements shall be as prescribed in Section 63-1-43.

528 **SECTION 9.** Section 63-1-211, Mississippi Code of 1972, is
529 amended as follows:

530 63-1-211. (1) **Contents of license.** A commercial driver's
531 license shall be marked "commercial driver's license" or "CDL,"
532 and shall be, to the maximum extent practicable, tamper proof, and
533 shall include, but not be limited to, the following information:

534 (a) The name and residential address of the person.

535 (b) The person's color photograph or imaged likeness.

536 (c) A physical description of the person including sex,
537 height, and weight.

538 (d) Date of birth.

539 (e) Any number or identifier deemed appropriate by the
540 commissioner.

541 (f) The person's signature.



542 (g) The class or type of commercial motor vehicle or
543 vehicles which the person is authorized to drive together with any
544 endorsements or restrictions.

545 (h) The name of this state.

546 (i) The dates between which the license is valid.

547 (2) **Classifications, endorsements and restrictions.**

548 Driver's licenses may be issued with the following
549 classifications, endorsements, and restrictions:

550 (a) **Classifications.** Licensees may drive all vehicles
551 in the class for which the license is issued and all lesser
552 classes of vehicles, except those requiring special endorsements.

553 (i) Class A - Any combination of vehicles with a
554 gross vehicle weight rating of twenty-six thousand one (26,001)
555 pounds or more, provided the gross vehicle weight rating of the
556 vehicle being towed is in excess of ten thousand (10,000) pounds.

557 (ii) Class B - Any single vehicle with a gross
558 vehicle weight rating of twenty-six thousand one (26,001) pounds
559 or more, and any such vehicle towing a vehicle not in excess of
560 ten thousand (10,000) pounds.

561 (iii) Class C - Any single vehicle with a gross
562 vehicle weight rating of less than twenty-six thousand one
563 (26,001) pounds:

564 1. Vehicles designed to transport sixteen
565 (16) or more passengers, including the driver; and



566 2. Vehicles used in the transportation of
567 hazardous materials as defined in Section 63-1-203.

568 (iv) Class D - Class D licenses are not commercial
569 driver's licenses and shall be governed by the provisions of
570 Section 63-1-5.

571 (b) Licenses may be issued with appropriate
572 endorsements and restrictions noted thereon. The commissioner
573 shall determine the manner of notation. Endorsements and
574 restrictions may include, but are not limited to, those which:

575 (i) Authorize a driver to drive a vehicle
576 transporting hazardous materials;

577 (ii) Restrict the driver to vehicles not equipped
578 with air brakes when the person either fails the air brake
579 component of the knowledge test or performs the skills test in a
580 vehicle not equipped with air brakes;

581 (iii) Authorize driving motorcycles that are not
582 autocycles as defined in Section 63-3-103;

583 (iv) Authorize driving tank vehicles;

584 (v) Authorize driving vehicles carrying
585 passengers;

586 (vi) Authorize driving school buses;

587 (vii) Authorize driving double trailers;

588 (viii) Restrict the driver to operation solely
589 within this state. A commercial driver's license or commercial



590 learner's permit with this restriction may be issued to any person
591 who has attained the age of eighteen (18) years.

592 (3) Before issuing a commercial driver's license, the
593 commissioner shall request the applicant's complete operating
594 record from any state in which the applicant was previously
595 licensed to operate any type of motor vehicle in the past ten (10)
596 years, conduct a check of the applicant's operating record by
597 querying the national driver register, established under 49 USCS
598 Section 30302, and the Commercial Driver's License Information
599 System, established under 49 USCS Section 31309, to determine if:

600 (a) The applicant has already been issued a commercial
601 driver's license; and the applicant's commercial driver's license
602 has been suspended, revoked, or canceled;

603 (b) The applicant had been convicted of any offenses
604 contained in Section 205(a)(3) of the National Driver Register Act
605 of 1982 (23 USCS Section 401 note).

606 (4) Within ten (10) days after issuing a commercial driver's
607 license, the commissioner shall notify the Commercial Driver
608 License Information System of that fact, providing all information
609 required to ensure identification of the person.

610 (5) The commercial driver's license shall expire in the
611 manner set forth in Section 63-1-47.

612 (6) When applying for renewal of a commercial driver's
613 license, the applicant shall complete the application form
614 required by Section 63-1-210, providing updated information and



615 required certifications. The department shall provide online
616 renewals of a commercial driver's license as long as the renewal
617 meets standards set forth in 49 CFR, Parts 383 and 384. If the
618 applicant wishes to retain a hazardous materials endorsement, the
619 written test for a hazardous materials endorsement must be taken
620 and passed. In addition, the applicant must successfully complete
621 the security threat assessment required by 49 CFR, Part 1572. If
622 notice is received from the United States Transportation Security
623 Administration that the applicant poses a security risk, the
624 commissioner shall refuse to issue, or revoke within fifteen (15)
625 days of receipt of the notice, a hazardous materials endorsement.

626 (7) The department shall provide a means for electronic
627 transmission of a medical card and may charge a vendor convenience
628 fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50)
629 per transmission. The department shall upload medical card
630 information to the Commercial Driver License Information System
631 within five (5) days of receiving the updated medical card
632 information. In addition, within twenty-four (24) hours of such
633 upload, the department shall notify the license holder by regular
634 mail or electronically and request that receipt be acknowledged by
635 the license holder. If receipt is not acknowledged by the license
636 holder, the department shall exhaust any available means to
637 contact the license holder.

638 **SECTION 10.** Section 45-33-25, Mississippi Code of 1972, is
639 amended as follows:



640 45-33-25. (1) (a) Any person having a permanent or
641 temporary residence in this state or who is employed or attending
642 school in this state who has been convicted of a registrable
643 offense in this state or another jurisdiction or who has been
644 acquitted by reason of insanity of a registrable offense in this
645 state or another jurisdiction shall register with the responsible
646 agency and the Mississippi Department of Public Safety.
647 Registration shall not be required for an offense that is not a
648 registrable sex offense or for an offender who is under fourteen
649 (14) years of age. The department shall provide the initial
650 registration information as well as every change of name, change
651 of address, change of status at a school, or other change of
652 information as required by the department to the sheriff of the
653 county of the residence address of the registrant, the sheriff of
654 the county of the employment address, and the sheriff of the
655 county of the school address, if applicable, and any other
656 jurisdiction of the registrant through either written notice,
657 electronic or telephone transmissions, or online access to
658 registration information. Further, the department shall provide
659 this information to the Federal Bureau of Investigation.
660 Additionally, upon notification by the registrant that he intends
661 to reside outside the State of Mississippi, the department shall
662 notify the appropriate state law enforcement agency of any state
663 to which a registrant is moving or has moved.



664 (b) Any person having a permanent or temporary
665 residence or who is employed or attending school in this state who
666 has been adjudicated delinquent for a registrable sex offense
667 listed in this paragraph that involved use of force against the
668 victim shall register as a sex offender with the responsible
669 agency and shall personally appear at a facility designated by the
670 Mississippi Department of Public Safety, or in a manner of the
671 Department of Public Safety's choosing, including by electronic
672 means, within three (3) business days of registering with the
673 responsible agency:

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

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

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

678 or

679 (iv) Conspiracy to commit, accessory to the
680 commission of, or attempt to commit any offense listed in this
681 paragraph.

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

684 (a) Name, including a former name which has been
685 legally changed;

686 (b) Street address of all current permanent and
687 temporary residences within state or out of state at which the sex
688 offender resides or habitually lives, including dates of temporary



689 lodgings. There is a presumption that a registrant owes a duty of
690 updating registration information if:

691 (i) The registrant remains away from a registered
692 address for seven (7) or more consecutive days; or

693 (ii) If the registrant remains at another address
694 between the hours of 10:00 p.m. and 6:00 a.m. for more than seven
695 (7) consecutive days;

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

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

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

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

703 (g) Social security number and any purported social
704 security number or numbers;

705 (h) Date and place of birth and any purported date and
706 place of birth;

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

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

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



714 (l) Anticipated future residence;

715 (m) If the registrant's residence is a motor vehicle,
716 trailer, mobile home or manufactured home, the registrant shall
717 also provide vehicle identification number, license tag number,
718 registration number and a description, including color scheme, of
719 the motor vehicle, trailer, mobile home or manufactured home; if
720 the registrant's place of residence is a vessel or houseboat, the
721 registrant shall also provide the hull identification number,
722 manufacturer's serial number, name of the vessel or houseboat,
723 registration number and a description, including color scheme, of
724 the vessel or houseboat, including permanent or frequent locations
725 where the motor vehicle, trailer, mobile home, manufactured home,
726 vessel or houseboat is kept;

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

731 (o) Offense history;

732 (p) Photograph;

733 (q) Fingerprints and palm prints;

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

736 (s) Biological sample;

737 (t) Name of any public or private educational
738 institution, including any secondary school, trade or professional



739 institution or institution of higher education at which the
740 offender is employed, carries on a vocation (with or without
741 compensation) or is enrolled as a student, or will be enrolled as
742 a student, and the registrant's status;

743 (u) Copy of conviction or sentencing order for the sex
744 offense for which registration is required;

745 (v) The offender's parole, probation or supervised
746 release status and the existence of any outstanding arrest
747 warrants;

748 (w) Every online identity, screen name or username
749 used, registered or created by a registrant;

750 (x) Professional licensing information which authorizes
751 the registrant to engage in an occupation or carry out a trade or
752 occupation;

753 (y) Information from passport and immigration
754 documents;

755 (z) All telephone numbers, including, but not limited
756 to, permanent residence, temporary residence, cell phone and
757 employment phone numbers, whether landlines or cell phones; and

758 (aa) Any other information deemed necessary.

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



763 (4) (a) A person required to register under this chapter
764 shall not reside within three thousand (3,000) feet of the real
765 property comprising a public or nonpublic elementary or secondary
766 school, a child care facility, a residential child-caring agency,
767 a children's group care home or any playground, ballpark or other
768 recreational facility utilized by persons under the age of
769 eighteen (18) years.

770 (b) A person residing within three thousand (3,000)
771 feet of the real property comprising a public or nonpublic
772 elementary or secondary school or a child care facility does not
773 commit a violation of this subsection if any of the following
774 apply:

775 (i) The person is serving a sentence at a jail,
776 prison, juvenile facility or other correctional institution or
777 facility.

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

780 (iii) The person established the subject residence
781 before July 1, 2006.

782 (iv) The school or child care facility is
783 established within three thousand (3,000) feet of the person's
784 residence subsequent to the date the person established residency.

785 (v) The person established the subject residence
786 between July 1, 2006, and January 1, 2014, in a location at least



787 one thousand five hundred (1,500) feet from the school or child
788 care facility.

789 (vi) The person is a minor or a ward under a
790 guardianship.

791 (c) A person residing within three thousand (3,000)
792 feet of the real property comprising a residential child-caring
793 agency, a children's group care home or any playground, ballpark
794 or other recreational facility utilized by persons under the age
795 of eighteen (18) years does not commit a violation of this
796 subsection if any of the following apply:

797 (i) The person established the subject residence
798 before July 1, 2008.

799 (ii) The residential child-caring agency,
800 children's group care home, playground, ballpark or other
801 recreational facility utilized by persons under the age of
802 eighteen (18) years is established within three thousand (3,000)
803 feet of the person's residence subsequent to the date the person
804 established residency.

805 (iii) The person established the subject residence
806 between July 1, 2008, and January 1, 2014, in a location at least
807 one thousand five hundred (1,500) feet from the residential
808 child-caring agency, children's group care home, playground,
809 ballpark or other recreational facility utilized by persons under
810 the age of eighteen (18) years.



811 (iv) Any of the conditions described in subsection
812 (4) (b) (i), (ii) or (vi) exist.

813 (5) The Department of Public Safety is required to obtain
814 the text of the law defining the offense or offenses for which the
815 registration is required.

816 **SECTION 11.** Section 45-33-27, Mississippi Code of 1972, is
817 amended as follows:

818 45-33-27. (1) A person required to register on the basis of
819 a conviction, adjudication of delinquency or acquittal by reason
820 of insanity entered shall register with the responsible agency
821 within three (3) business days of the date of judgment unless the
822 person is immediately confined or committed, in which case the
823 person shall register before release in accordance with the
824 procedures established by the department. The responsible agency
825 shall immediately forward the registration information to the
826 Department of Public Safety. The person is also required to
827 personally appear at a facility designated by the Department of
828 Public Safety, or in a manner of the Department of Public Safety's
829 choosing, including by electronic means, within three (3) days of
830 registration with the responsible agency and to obtain a sex
831 offender registration card.

832 (2) If a person who is required to register under this
833 section is released from prison or placed on parole or supervised
834 release or in a restitution center or community work center, the
835 Department of Corrections shall perform the registration duties



836 before placement in a center or before release and immediately
837 forward the registration information to the Department of Public
838 Safety. The person is also required to personally appear at a
839 facility designated by the Department of Public Safety, or in a
840 manner of the Department of Public Safety's choosing, including by
841 electronic means, within three (3) days of release or placement in
842 a restitution center or community work center.

843 (3) If a person required to register under this section is
844 placed on probation, the court, at the time of entering the order,
845 shall register the person and immediately forward the registration
846 information to the Department of Public Safety. The person is
847 also required to personally appear at a facility designated by the
848 Department of Public Safety, or in a manner of the Department of
849 Public Safety's choosing, including by electronic means, within
850 three (3) days of the entry of the order.

851 (4) Any person required to register who is neither
852 incarcerated, detained nor committed at the time the requirement
853 to register attaches shall present himself to the county sheriff
854 to register within three (3) business days, and shall personally
855 appear at a facility designated by the Department of Public
856 Safety, or in a manner of the Department of Public Safety's
857 choosing, including by electronic means, within three (3) days of
858 the time the requirement to register attaches.

859 (5) An offender moving to or returning to this state from
860 another jurisdiction shall notify the Department of Public Safety



861 ten (10) days before the person first resides in or returns to
862 this state and shall present himself to the sheriff of the county
863 of his residence within three (3) business days after first
864 residing in or returning to a county of this state to provide the
865 required registration information. The person is also required to
866 register by personally appearing at a facility designated by the
867 Department of Public Safety, or in a manner of the Department of
868 Public Safety's choosing, including by electronic means, within
869 three (3) days after first residing in or moving to a county of
870 this state. If the offender fails to appear for registration as
871 required in this state, the department shall notify the other
872 jurisdiction of the failure to register.

873 (6) A person, other than a person confined in a correctional
874 or juvenile detention facility or involuntarily committed on the
875 basis of mental illness, who is required to register on the basis
876 of a sex offense for which a conviction, adjudication of
877 delinquency or acquittal by reason of insanity was entered shall
878 register with the sheriff of the county in which he resides no
879 later than August 15, 2000, or within three (3) business days of
880 first residing in or returning to a county of this state.

881 (7) Every person required to register shall show proof of
882 domicile. The commissioner shall promulgate any rules and
883 regulations necessary to enforce this requirement and shall
884 prescribe the means by which such person may show domicile.



885 (8) Any driver's license photograph, I.D. photograph, sex
886 offender photograph, fingerprint, driver's license application
887 and/or anything submitted to the Department of Public Safety by a
888 known convicted sex offender, registered or not registered, can be
889 used by the Department of Public Safety or any other authorized
890 law enforcement agency for any means necessary in registration,
891 identification, investigation regarding their tracking or
892 identification.

893 (9) The department will assist local law enforcement
894 agencies in the effort to conduct address and other verifications
895 of registered sex offenders and will assist in the location and
896 apprehension of noncompliant sex offenders.

897 **SECTION 12.** Section 45-33-29, Mississippi Code of 1972, is
898 amended as follows:

899 45-33-29. (1) Upon any change of address, including
900 temporary lodging, an offender required to register under this
901 chapter is required to personally appear at a facility designated
902 by the Department of Public Safety, or in a manner of the
903 Department of Public Safety's choosing, including by electronic
904 means, not less than ten (10) days before he intends to first
905 reside at the new address.

906 (2) Upon any change in the status of a registrant's
907 enrollment, employment or vocation at any public or private
908 educational institution, including any secondary school, trade or
909 professional institution or institution of higher education, the



910 offender is required to personally appear at a facility designated
911 by the Department of Public Safety, or in a manner of the
912 Department of Public Safety's choosing, including by electronic
913 means, within three (3) business days of the change.

914 (3) Upon any change of employment or change of name, a
915 registrant is required to personally appear at a facility
916 designated by the Department of Public Safety, or in a manner of
917 the Department of Public Safety's choosing, including by
918 electronic means, within three (3) business days of the change.

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

922 (5) Upon any change of e-mail address or addresses, instant
923 message address or addresses, or any other designation used in
924 Internet communications, postings or telephone communications, a
925 registrant is required to report the change on an appropriate form
926 supplied by the department within three (3) business days of the
927 change.

928 (6) Upon any change of information deemed by the department
929 to be necessary to the state's policy to assist local law
930 enforcement agencies' efforts to protect their communities, a
931 registrant is required to report the change on an appropriate form
932 supplied by the department within three (3) business days of the
933 change.



934 **SECTION 13.** Section 45-33-31, Mississippi Code of 1972, is
935 amended as follows:

936 45-33-31. (1) (a) Registrants who are in compliance with a
937 program of electronic monitoring under this chapter are required
938 to reregister annually.

939 (b) All other registrants are required to personally
940 appear at a facility designated by the Department of Public
941 Safety, or in a manner of the Department of Public Safety's
942 choosing, including by electronic means, to reregister every
943 ninety (90) days.

944 (2) Reregistration includes the submission of current
945 information and photograph to the department and the verification
946 of registration information, including the street address and
947 telephone number of the registrant; name, street address and
948 telephone number of the registrant's employment or status at a
949 school, along with any other registration information that may
950 need to be verified and the payment of any required fees.

951 (3) A person who fails to reregister and obtain a renewal
952 sex offender registration card as required by this section commits
953 a violation of this chapter. The Department of Public Safety will
954 immediately notify any sheriff or other jurisdiction of any
955 changes in information including residence address, employment and
956 status at a school if that jurisdiction, county or municipality is
957 affected by the change.



958 **SECTION 14.** Section 45-33-33, Mississippi Code of 1972, is
959 amended as follows:

960 45-33-33. (1) (a) The failure of an offender to personally
961 appear at a facility designated by the Department of Public
962 Safety, or in a manner of the Department of Public Safety's
963 choosing, including by electronic means, or to provide any
964 registration or other information, including, but not limited to,
965 initial registration, reregistration, change of address
966 information, change of employment, change of name, required
967 notification to a volunteer organization or any other registration
968 duty or submission of information required by this chapter is a
969 violation of this chapter. Additionally, forgery of information
970 or submission of information under false pretenses, whether by the
971 registrant or another person, is also a violation of this chapter.

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

973 (i) Knowingly harbors, or knowingly attempts to
974 harbor, or knowingly assists another person in harboring or
975 attempting to harbor a sex offender who is in violation of this
976 chapter; * * *

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



981 (iii) Provides information to a law enforcement
982 agency regarding a sex offender which the person knows to be
983 false.

984 (c) A registrant who is required to submit to
985 electronic monitoring who does not comply with all the terms and
986 conditions of the electronic monitoring commits a violation of
987 this chapter.

988 (2) (a) Unless otherwise specified, a violation of this
989 chapter shall be considered a felony and shall be punishable by a
990 fine of not more than Five Thousand Dollars (\$5,000.00),
991 imprisonment in the custody of the Department of Corrections for
992 not more than five (5) years, or both fine and imprisonment.

993 (b) A person who is required to register under this
994 chapter who is subsequently convicted for a registration violation
995 under this section, upon release from incarceration, shall submit
996 to mandatory electronic monitoring under the program established
997 under Section 45-33-45 for a period computed by subtracting the
998 time the person spent in actual incarceration from the five-year
999 maximum imprisonment for the offense and the period of
1000 post-release monitoring shall not be suspended or reduced by the
1001 court or the Department of Corrections.

1002 (3) Whenever it appears that an offender has failed to
1003 comply with the duty to register, reregister or submit to
1004 electronic monitoring, the department shall promptly notify the
1005 sheriff of the county of the last-known address of the offender as



1006 well as the sheriff of the county of the last-known location of
1007 the offender, if different. Upon notification, the sheriff shall
1008 attempt to locate the offender at his last-known address or
1009 last-known location.

1010 (a) If the sheriff locates the offender, he shall
1011 enforce the provisions of this chapter, including initiation of
1012 prosecution if appropriate. The sheriff shall then notify the
1013 department with the current information regarding the offender.

1014 (b) If the sheriff is unable to locate the offender,
1015 the sheriff shall promptly notify the department and initiate a
1016 criminal prosecution against the offender for the failure to
1017 register, reregister or comply with electronic monitoring. The
1018 sheriff shall make the appropriate transactions into the Federal
1019 Bureau of Investigation's wanted-person database and issue a
1020 warrant for the offender's arrest. The department shall notify
1021 the United States Marshals Service of the offender's noncompliant
1022 status and shall update the registry database and website to show
1023 the defendant's noncompliant status as an absconder.

1024 (4) A violation of this chapter shall result in the arrest
1025 of the offender.

1026 (5) Any prosecution for a violation of this section shall be
1027 brought by a prosecutor in the county of the violation.

1028 (6) A person required to register under this chapter who
1029 commits any act or omission in violation of this chapter may be
1030 prosecuted for the act or omission in the county in which the act



1031 or omission was committed, the county of the last registered
1032 address of the sex offender, the county in which the conviction
1033 occurred for the offense or offenses that meet the criteria
1034 requiring the person to register, the county in which he was
1035 designated a sex offender, or the county in which the sex offender
1036 was found.

1037 (7) The Commissioner of Public Safety or his authorized
1038 agent shall suspend the driver's license or driving privilege of
1039 any offender failing to comply with the duty to report, register
1040 or reregister, submit to monitoring, or who has provided false
1041 information.

1042 (8) When a person required to register under this chapter is
1043 accused of any registration offense under this section, pretrial
1044 release on bond shall be conditioned on the offender's submission
1045 to electronic monitoring under the program established under
1046 Section 45-33-45.

1047 **SECTION 15.** Section 45-33-35, Mississippi Code of 1972, is
1048 amended as follows:

1049 45-33-35. (1) The Mississippi Department of Public Safety
1050 shall maintain a central registry of sex offender information as
1051 defined in Section 45-33-25 and shall adopt rules and regulations
1052 necessary to carry out this section. The responsible agencies
1053 shall provide the information required in Section 45-33-25 on a
1054 form developed by the department to ensure accurate information is
1055 maintained.



1056 (2) Upon conviction, adjudication or acquittal by reason of
1057 insanity of any sex offender, if the sex offender is not
1058 immediately confined or not sentenced to a term of imprisonment,
1059 the clerk of the court which convicted and sentenced the sex
1060 offender shall inform the person of the duty to register,
1061 including the duty to personally appear at a facility designated
1062 by the Department of Public Safety, or in a manner of the
1063 Department of Public Safety's choosing, including by electronic
1064 means, and shall perform the registration duties as described in
1065 Section 45-33-23 and forward the information to the department.

1066 (3) Before release from prison or placement on parole,
1067 supervised release or in a work center or restitution center, the
1068 Department of Corrections shall inform the person of the duty to
1069 register, including the duty to personally appear at a facility
1070 designated by the Department of Public Safety, or in a manner of
1071 the Department of Public Safety's choosing, including by
1072 electronic means, and shall perform the registration duties as
1073 described in Section 45-33-23 and forward the information to the
1074 Department of Public Safety.

1075 (4) Before release from a community regional mental health
1076 center or from confinement in a mental institution following an
1077 acquittal by reason of insanity, the director of the facility
1078 shall inform the offender of the duty to register, including the
1079 duty to personally appear at a facility designated by the
1080 Department of Public Safety, or in a manner of the Department of



1081 Public Safety's choosing, including by electronic means, and shall
1082 perform the registration duties as described in Section 45-33-23
1083 and forward the information to the Department of Public Safety.

1084 (5) Before release from a youthful offender facility, the
1085 director of the facility shall inform the person of the duty to
1086 register, including the duty to personally appear at a facility
1087 designated by the Department of Public Safety, or in a manner of
1088 the Department of Public Safety's choosing, including by
1089 electronic means, and shall perform the registration duties as
1090 described in Section 45-33-23 and forward the information to the
1091 Department of Public Safety.

1092 (6) In addition to performing the registration duties, the
1093 responsible agency shall:

1094 (a) Inform the person having a duty to register that:

1095 (i) The person is required to personally appear at
1096 a facility designated by the Department of Public Safety, or in a
1097 manner of the Department of Public Safety's choosing, including by
1098 electronic means, at least ten (10) days before changing address.

1099 (ii) Any change of address to another jurisdiction
1100 shall be reported to the department by personally appearing at a
1101 facility designated by the Department of Public Safety, or in a
1102 manner of the Department of Public Safety's choosing, including by
1103 electronic means, not less than ten (10) days before the change of
1104 address. The offender shall comply with any registration
1105 requirement in the new jurisdiction.



1106 (iii) The person must register in any jurisdiction
1107 where the person is employed, carries on a vocation, is stationed
1108 in the military or is a student.

1109 (iv) Address verifications shall be made by
1110 personally appearing at a facility designated by the Department of
1111 Public Safety, or in a manner of the Department of Public Safety's
1112 choosing, including by electronic means, within the required time
1113 period.

1114 (v) Notification or verification of a change in
1115 status of a registrant's enrollment, employment or vocation at any
1116 public or private educational institution, including any secondary
1117 school, trade or professional institution, or institution of
1118 higher education shall be reported to the department by personally
1119 appearing at a facility designated by the Department of Public
1120 Safety, or in a manner of the Department of Public Safety's
1121 choosing, including by electronic means, within three (3) business
1122 days of the change.

1123 (vi) If the person has been convicted of a sex
1124 offense, the person shall notify any organization for which the
1125 person volunteers in which volunteers have direct, private or
1126 unsupervised contact with minors that the person has been
1127 convicted of a sex offense as provided in Section 45-33-32(1).

1128 (vii) Upon any change of name or employment, a
1129 registrant is required to personally appear at a facility
1130 designated by the Department of Public Safety, or in a manner of



1131 the Department of Public Safety's choosing, including by
1132 electronic means, within three (3) business days of the change.

1133 (viii) Upon any change of vehicle information, a
1134 registrant is required to report the change on an appropriate form
1135 supplied by the department within three (3) business days of the
1136 change.

1137 (ix) Upon any change of e-mail address or
1138 addresses, instant message address or addresses or any other
1139 designation used in Internet communications, postings or telephone
1140 communications, a registrant is required to report the change on
1141 an appropriate form supplied by the department within three (3)
1142 business days of the change.

1143 (x) Upon any change of information deemed to be
1144 necessary to the state's policy to assist local law enforcement
1145 agencies' efforts to protect their communities, a registrant is
1146 required to report the change on an appropriate form supplied by
1147 the department within three (3) business days of the change.

1148 (b) Require the person to read and sign a form stating
1149 that the duty of the person to register under this chapter has
1150 been explained.

1151 (c) Obtain or facilitate the obtaining of a biological
1152 sample from every registrant as required by this chapter if such
1153 biological sample has not already been provided to the Mississippi
1154 Forensics Laboratory.



1155 (d) Provide a copy of the order of conviction or
1156 sentencing order to the department at the time of registration.

1157 **SECTION 16.** This act shall take effect and be in force from
1158 and after its passage.

