

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2633

BY: Senator(s) Parker, Branning

1 **AMEND by inserting after line 585 the following and**
2 **renumbering the sections accordingly:**

3 **SECTION *.** Section 45-33-25, Mississippi Code of 1972, is
4 amended as follows:

5 45-33-25. (1) (a) Any person having a permanent or
6 temporary residence in this state or who is employed or attending
7 school in this state who has been convicted of a registrable
8 offense in this state or another jurisdiction or who has been
9 acquitted by reason of insanity of a registrable offense in this
10 state or another jurisdiction shall register with the responsible
11 agency and the Mississippi Department of Public Safety.
12 Registration shall not be required for an offense that is not a
13 registrable sex offense or for an offender who is under fourteen
14 (14) years of age. The department shall provide the initial



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

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

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

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



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

41 or

42 (iv) Conspiracy to commit, accessory to the
43 commission of, or attempt to commit any offense listed in this
44 paragraph.

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

47 (a) Name, including a former name which has been
48 legally changed;

49 (b) Street address of all current permanent and
50 temporary residences within state or out of state at which the sex
51 offender resides or habitually lives, including dates of temporary
52 lodgings. There is a presumption that a registrant owes a duty of
53 updating registration information if:

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

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

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

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

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



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

66 (g) Social security number and any purported social
67 security number or numbers;

68 (h) Date and place of birth and any purported date and
69 place of birth;

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

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

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

77 (l) Anticipated future residence;

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



88 where the motor vehicle, trailer, mobile home, manufactured home,
89 vessel or houseboat is kept;

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

94 (o) Offense history;

95 (p) Photograph;

96 (q) Fingerprints and palm prints;

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

99 (s) Biological sample;

100 (t) Name of any public or private educational
101 institution, including any secondary school, trade or professional
102 institution or institution of higher education at which the
103 offender is employed, carries on a vocation (with or without
104 compensation) or is enrolled as a student, or will be enrolled as
105 a student, and the registrant's status;

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

108 (v) The offender's parole, probation or supervised
109 release status and the existence of any outstanding arrest
110 warrants;

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



113 (x) Professional licensing information which authorizes
114 the registrant to engage in an occupation or carry out a trade or
115 occupation;

116 (y) Information from passport and immigration
117 documents;

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

121 (aa) Any other information deemed necessary.

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

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

133 (b) A person residing within three thousand (3,000)
134 feet of the real property comprising a public or nonpublic
135 elementary or secondary school or a child care facility does not
136 commit a violation of this subsection if any of the following
137 apply:



138 (i) The person is serving a sentence at a jail,
139 prison, juvenile facility or other correctional institution or
140 facility.

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

143 (iii) The person established the subject residence
144 before July 1, 2006.

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

148 (v) The person established the subject residence
149 between July 1, 2006, and January 1, 2014, in a location at least
150 one thousand five hundred (1,500) feet from the school or child
151 care facility.

152 (vi) The person is a minor or a ward under a
153 guardianship.

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

160 (i) The person established the subject residence
161 before July 1, 2008.



162 (ii) The residential child-caring agency,
163 children's group care home, playground, ballpark or other
164 recreational facility utilized by persons under the age of
165 eighteen (18) years is established within three thousand (3,000)
166 feet of the person's residence subsequent to the date the person
167 established residency.

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

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

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

179 (6) Any facility designated by the Department of Public
180 Safety for personal appearances as required under this chapter
181 shall be separate from any building utilized by the Department of
182 Public Safety for licensing and permitting purposes. The
183 Department of Public Safety is authorized to enter into agreements
184 with other law enforcement offices in this state for utilization
185 of those facilities or to allow such other law enforcement offices



186 to assume responsibility for in-person appearance requirements
187 under this chapter.

188 **SECTION *.** Section 45-33-27, Mississippi Code of 1972, is
189 amended as follows:

190 45-33-27. (1) A person required to register on the basis of
191 a conviction, adjudication of delinquency or acquittal by reason
192 of insanity entered shall register with the responsible agency
193 within three (3) business days of the date of judgment unless the
194 person is immediately confined or committed, in which case the
195 person shall register before release in accordance with the
196 procedures established by the department. The responsible agency
197 shall immediately forward the registration information to the
198 Department of Public Safety. The person is also required to
199 personally appear at a facility designated by the Department of
200 Public Safety * * * within three (3) days of registration with the
201 responsible agency and to obtain a sex offender registration card.

202 (2) If a person who is required to register under this
203 section is released from prison or placed on parole or supervised
204 release or in a restitution center or community work center, the
205 Department of Corrections shall perform the registration duties
206 before placement in a center or before release and immediately
207 forward the registration information to the Department of Public
208 Safety. The person is also required to personally appear at a
209 facility designated by the Department of Public Safety * * *



210 within three (3) days of release or placement in a restitution
211 center or community work center.

212 (3) If a person required to register under this section is
213 placed on probation, the court, at the time of entering the order,
214 shall register the person and immediately forward the registration
215 information to the Department of Public Safety. The person is
216 also required to personally appear at a facility designated by the
217 Department of Public Safety * * * within three (3) days of the
218 entry of the order.

219 (4) Any person required to register who is neither
220 incarcerated, detained nor committed at the time the requirement
221 to register attaches shall present himself to the county sheriff
222 to register within three (3) business days, and shall personally
223 appear at a facility designated by the Department of Public
224 Safety * * * within three (3) days of the time the requirement to
225 register attaches.

226 (5) An offender moving to or returning to this state from
227 another jurisdiction shall notify the Department of Public Safety
228 ten (10) days before the person first resides in or returns to
229 this state and shall present himself to the sheriff of the county
230 of his residence within three (3) business days after first
231 residing in or returning to a county of this state to provide the
232 required registration information. The person is also required to
233 register by personally appearing at a facility designated by the
234 Department of Public Safety * * * within three (3) days after



235 first residing in or moving to a county of this state. If the
236 offender fails to appear for registration as required in this
237 state, the department shall notify the other jurisdiction of the
238 failure to register.

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

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

251 (8) Any driver's license photograph, I.D. photograph, sex
252 offender photograph, fingerprint, driver's license application
253 and/or anything submitted to the Department of Public Safety by a
254 known convicted sex offender, registered or not registered, can be
255 used by the Department of Public Safety or any other authorized
256 law enforcement agency for any means necessary in registration,
257 identification, investigation regarding their tracking or
258 identification.



259 (9) The department will assist local law enforcement
260 agencies in the effort to conduct address and other verifications
261 of registered sex offenders and will assist in the location and
262 apprehension of noncompliant sex offenders.

263 **SECTION *.** Section 45-33-29, Mississippi Code of 1972, is
264 amended as follows:

265 45-33-29. (1) Upon any change of address, including
266 temporary lodging, an offender required to register under this
267 chapter is required to personally appear at a facility designated
268 by the Department of Public Safety * * * not less than ten (10)
269 days before he intends to first reside at the new address.

270 (2) Upon any change in the status of a registrant's
271 enrollment, employment or vocation at any public or private
272 educational institution, including any secondary school, trade or
273 professional institution or institution of higher education, the
274 offender is required to personally appear at a facility designated
275 by the Department of Public Safety * * * within three (3) business
276 days of the change.

277 (3) Upon any change of employment or change of name, a
278 registrant is required to personally appear at a facility
279 designated by the Department of Public Safety * * * within three
280 (3) business days of the change.

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



284 (5) Upon any change of e-mail address or addresses, instant
285 message address or addresses, or any other designation used in
286 Internet communications, postings or telephone communications, a
287 registrant is required to report the change on an appropriate form
288 supplied by the department within three (3) business days of the
289 change.

290 (6) Upon any change of information deemed by the department
291 to be necessary to the state's policy to assist local law
292 enforcement agencies' efforts to protect their communities, a
293 registrant is required to report the change on an appropriate form
294 supplied by the department within three (3) business days of the
295 change.

296 **SECTION *.** Section 45-33-31, Mississippi Code of 1972, is
297 amended as follows:

298 45-33-31. (1) (a) Registrants who are in compliance with a
299 program of electronic monitoring under this chapter are required
300 to reregister annually.

301 (b) All other registrants are required to personally
302 appear at a facility designated by the Department of Public
303 Safety * * * to reregister every ninety (90) days.

304 (2) Reregistration includes the submission of current
305 information and photograph to the department and the verification
306 of registration information, including the street address and
307 telephone number of the registrant; name, street address and
308 telephone number of the registrant's employment or status at a



309 school, along with any other registration information that may
310 need to be verified and the payment of any required fees.

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

318 **SECTION *.** Section 45-33-33, Mississippi Code of 1972, is
319 amended as follows:

320 45-33-33. (1) (a) The failure of an offender to personally
321 appear at a facility designated by the Department of Public
322 Safety * * * or to provide any registration or other information,
323 including, but not limited to, initial registration,
324 reregistration, change of address information, change of
325 employment, change of name, required notification to a volunteer
326 organization or any other registration duty or submission of
327 information required by this chapter is a violation of this
328 chapter. Additionally, forgery of information or submission of
329 information under false pretenses, whether by the registrant or
330 another person, is also a violation of this chapter.

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

332 (i) Knowingly harbors, or knowingly attempts to
333 harbor, or knowingly assists another person in harboring or



334 attempting to harbor a sex offender who is in violation of this
335 chapter; * * *

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

340 (iii) Provides information to a law enforcement
341 agency regarding a sex offender which the person knows to be
342 false.

343 (c) A registrant who is required to submit to
344 electronic monitoring who does not comply with all the terms and
345 conditions of the electronic monitoring commits a violation of
346 this chapter.

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

352 (b) A person who is required to register under this
353 chapter who is subsequently convicted for a registration violation
354 under this section, upon release from incarceration, shall submit
355 to mandatory electronic monitoring under the program established
356 under Section 45-33-45 for a period computed by subtracting the
357 time the person spent in actual incarceration from the five-year
358 maximum imprisonment for the offense and the period of



359 post-release monitoring shall not be suspended or reduced by the
360 court or the Department of Corrections.

361 (3) Whenever it appears that an offender has failed to
362 comply with the duty to register, reregister or submit to
363 electronic monitoring, the department shall promptly notify the
364 sheriff of the county of the last-known address of the offender as
365 well as the sheriff of the county of the last-known location of
366 the offender, if different. Upon notification, the sheriff shall
367 attempt to locate the offender at his last-known address or
368 last-known location.

369 (a) If the sheriff locates the offender, he shall
370 enforce the provisions of this chapter, including initiation of
371 prosecution if appropriate. The sheriff shall then notify the
372 department with the current information regarding the offender.

373 (b) If the sheriff is unable to locate the offender,
374 the sheriff shall promptly notify the department and initiate a
375 criminal prosecution against the offender for the failure to
376 register, reregister or comply with electronic monitoring. The
377 sheriff shall make the appropriate transactions into the Federal
378 Bureau of Investigation's wanted-person database and issue a
379 warrant for the offender's arrest. The department shall notify
380 the United States Marshals Service of the offender's noncompliant
381 status and shall update the registry database and website to show
382 the defendant's noncompliant status as an absconder.



383 (4) A violation of this chapter shall result in the arrest
384 of the offender.

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

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

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

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

406 **SECTION *.** Section 45-33-35, Mississippi Code of 1972, is
407 amended as follows:



408 45-33-35. (1) The Mississippi Department of Public Safety
409 shall maintain a central registry of sex offender information as
410 defined in Section 45-33-25 and shall adopt rules and regulations
411 necessary to carry out this section. The responsible agencies
412 shall provide the information required in Section 45-33-25 on a
413 form developed by the department to ensure accurate information is
414 maintained.

415 (2) Upon conviction, adjudication or acquittal by reason of
416 insanity of any sex offender, if the sex offender is not
417 immediately confined or not sentenced to a term of imprisonment,
418 the clerk of the court which convicted and sentenced the sex
419 offender shall inform the person of the duty to register,
420 including the duty to personally appear at a facility designated
421 by the Department of Public Safety * * *, and shall perform the
422 registration duties as described in Section 45-33-23 and forward
423 the information to the department.

424 (3) Before release from prison or placement on parole,
425 supervised release or in a work center or restitution center, the
426 Department of Corrections shall inform the person of the duty to
427 register, including the duty to personally appear at a facility
428 designated by the Department of Public Safety * * *, and shall
429 perform the registration duties as described in Section 45-33-23
430 and forward the information to the Department of Public Safety.

431 (4) Before release from a community regional mental health
432 center or from confinement in a mental institution following an



433 acquittal by reason of insanity, the director of the facility
434 shall inform the offender of the duty to register, including the
435 duty to personally appear at a facility designated by the
436 Department of Public Safety * * *, and shall perform the
437 registration duties as described in Section 45-33-23 and forward
438 the information to the Department of Public Safety.

439 (5) Before release from a youthful offender facility, the
440 director of the facility shall inform the person of the duty to
441 register, including the duty to personally appear at a facility
442 designated by the Department of Public Safety * * *, and shall
443 perform the registration duties as described in Section 45-33-23
444 and forward the information to the Department of Public Safety.

445 (6) In addition to performing the registration duties, the
446 responsible agency shall:

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

448 (i) The person is required to personally appear at
449 a facility designated by the Department of Public Safety * * * at
450 least ten (10) days before changing address.

451 (ii) Any change of address to another jurisdiction
452 shall be reported to the department by personally appearing at a
453 facility designated by the Department of Public Safety * * * not
454 less than ten (10) days before the change of address. The
455 offender shall comply with any registration requirement in the new
456 jurisdiction.



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

460 (iv) Address verifications shall be made by
461 personally appearing at a facility designated by the Department of
462 Public Safety * * * within the required time period.

463 (v) Notification or verification of a change in
464 status of a registrant's enrollment, employment or vocation at any
465 public or private educational institution, including any secondary
466 school, trade or professional institution, or institution of
467 higher education shall be reported to the department by personally
468 appearing at a facility designated by the Department of Public
469 Safety * * * within three (3) business days of the change.

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

475 (vii) Upon any change of name or employment, a
476 registrant is required to personally appear at a facility
477 designated by the Department of Public Safety * * * within three
478 (3) business days of the change.

479 (viii) Upon any change of vehicle information, a
480 registrant is required to report the change on an appropriate form



481 supplied by the department within three (3) business days of the
482 change.

483 (ix) Upon any change of e-mail address or
484 addresses, instant message address or addresses or any other
485 designation used in Internet communications, postings or telephone
486 communications, a registrant is required to report the change on
487 an appropriate form supplied by the department within three (3)
488 business days of the change.

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

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

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

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

503 **FURTHER, AMEND the title to conform.**

