

By: Representative Johnson

To: Corrections;
Appropriations

HOUSE BILL NO. 211

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CONVERT
 2 THE THREE RESTITUTION CENTERS IN THE STATE TO POST-RELEASE REENTRY
 3 CENTERS; TO PROVIDE THAT THE POST-RELEASE REENTRY CENTERS SHALL BE
 4 FOR INDIVIDUALS WHO ARE ELIGIBLE FOR RELEASE, INCLUDING THOSE
 5 ELIGIBLE FOR PAROLE AND EARLY RELEASE SUPERVISION, IF SUCH
 6 INDIVIDUALS DO NOT HAVE IMMEDIATE ACCESS TO HOUSING UPON RELEASE;
 7 TO REQUIRE THE DEPARTMENT TO ADMINISTER SERVICES IN THE
 8 POST-RELEASE REENTRY CENTERS AS WELL AS OTHER FACILITIES THAT
 9 PROVIDE POST-RELEASE REENTRY SERVICES; TO REQUIRE THE DEPARTMENT
 10 TO ASSIST RESIDENTS OF THE CENTERS IN OBTAINING CERTAIN REENTRY
 11 NECESSITIES SUCH AS HOUSING, JOB SKILLS TRAINING AND DRIVER'S
 12 LICENSES; TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972, TO
 13 PROVIDE THAT CERTAIN RESIDENCE RESTRICTIONS SHALL NOT APPLY TO
 14 POST-RELEASE REENTRY CENTERS; TO AMEND SECTION 45-33-35,
 15 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
 16 FOR RELATED PURPOSES.

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

18 **SECTION 1.** (1) The Department of Corrections shall convert
 19 the Greenwood Restitution Center, Flowood Restitution Center, and
 20 Pascagoula Restitution Center to post-release reentry centers.

21 (2) Any person who is eligible for release, including parole
 22 and early release supervision, shall be eligible for placement in
 23 a post-release reentry center. Participation in a post-release
 24 reentry center is intended for those who do not have immediate
 25 access to housing or other support services upon release from



26 incarceration. Residents of post-release reentry centers shall
27 remain at a center for ninety (90) days or until other housing
28 becomes available, whichever period is shorter. A person
29 otherwise eligible for release from incarceration may not be
30 detained due to their refusal to accept placement in a
31 post-release reentry center. The residence restrictions provided
32 in Section 45-33-25 shall not apply to post-release reentry
33 centers regardless of the location of any center.

34 **SECTION 2.** (1) The Department of Corrections shall
35 institute and administer services in post-release reentry centers
36 at the facilities identified under Section 1 of this act and at
37 other facilities which provide post-release reentry services.

38 (2) The Department of Corrections shall:

39 (a) Seek funding from federal or other sources to
40 provide the maximum supportive services for residents and the
41 families of residents who are participating in a post-release
42 reentry program;

43 (b) Develop programs at post-release reentry centers
44 through which residents are provided support, training, and
45 connection to services necessary to contribute to society and the
46 support of themselves and their families upon returning to local
47 communities following incarceration; and

48 (c) Develop evidence-based pilot programs in
49 furtherance of aiding personal growth and development, overcoming
50 problematic behaviors, establishing a verified residency plan, and



51 teaching skills to enhance the resident's quality of life and
52 successful reentry into the community. The programs may be
53 residential or nonresidential as appropriate.

54 (3) The Department of Corrections shall assist residents in
55 obtaining:

- 56 (a) Counseling/case management services;
- 57 (b) Housing;
- 58 (c) Employment or job skills training;
- 59 (d) State-issued driver's licenses or a state issued
60 IDs should a driver's license be unobtainable;
- 61 (e) Health care services;
- 62 (f) Educational services;
- 63 (g) Cognitive behavioral programs;
- 64 (h) Drug and alcohol treatment and recovery services;
- 65 and
- 66 (i) Other community support services.

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

69 45-33-25. (1) (a) Any person having a permanent or
70 temporary residence in this state or who is employed or attending
71 school in this state who has been convicted of a registrable
72 offense in this state or another jurisdiction or who has been
73 acquitted by reason of insanity of a registrable offense in this
74 state or another jurisdiction shall register with the responsible
75 agency and the Mississippi Department of Public Safety.



76 Registration shall not be required for an offense that is not a
77 registrable sex offense or for an offender who is under fourteen
78 (14) years of age. The department shall provide the initial
79 registration information as well as every change of name, change
80 of address, change of status at a school, or other change of
81 information as required by the department to the sheriff of the
82 county of the residence address of the registrant, the sheriff of
83 the county of the employment address, and the sheriff of the
84 county of the school address, if applicable, and any other
85 jurisdiction of the registrant through either written notice,
86 electronic or telephone transmissions, or online access to
87 registration information. Further, the department shall provide
88 this information to the Federal Bureau of Investigation.
89 Additionally, upon notification by the registrant that he intends
90 to reside outside the State of Mississippi, the department shall
91 notify the appropriate state law enforcement agency of any state
92 to which a registrant is moving or has moved.

93 (b) Any person having a permanent or temporary
94 residence or who is employed or attending school in this state who
95 has been adjudicated delinquent for a registrable sex offense
96 listed in this paragraph that involved use of force against the
97 victim shall register as a sex offender with the responsible
98 agency and shall personally appear at a facility designated by the
99 Mississippi Department of Public Safety, or in a manner of the
100 Department of Public Safety's choosing, including by electronic



101 means, within three (3) business days of registering with the
102 responsible agency:

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

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

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

107 or

108 (iv) Conspiracy to commit, accessory to the
109 commission of, or attempt to commit any offense listed in this
110 paragraph.

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

113 (a) Name, including a former name which has been
114 legally changed;

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

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

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



125 (c) Date, place and address of employment, including as
126 a volunteer or unpaid intern or as a transient or day laborer;
127 (d) Crime for which charged, arrested or convicted;
128 (e) Date and place of conviction, adjudication or
129 acquittal by reason of insanity;
130 (f) Aliases used or nicknames, ethnic or tribal names
131 by which commonly known;
132 (g) Social security number and any purported social
133 security number or numbers;
134 (h) Date and place of birth and any purported date and
135 place of birth;
136 (i) Age, race, sex, height, weight, hair and eye
137 colors, and any other physical description or identifying factors;
138 (j) A brief description of the offense or offenses for
139 which the registration is required;
140 (k) Driver's license or state or other jurisdiction
141 identification card number, which license or card may be
142 electronically accessed by the Department of Public Safety;
143 (l) Anticipated future residence;
144 (m) If the registrant's residence is a motor vehicle,
145 trailer, mobile home or manufactured home, the registrant shall
146 also provide vehicle identification number, license tag number,
147 registration number and a description, including color scheme, of
148 the motor vehicle, trailer, mobile home or manufactured home; if
149 the registrant's place of residence is a vessel or houseboat, the



150 registrant shall also provide the hull identification number,
151 manufacturer's serial number, name of the vessel or houseboat,
152 registration number and a description, including color scheme, of
153 the vessel or houseboat, including permanent or frequent locations
154 where the motor vehicle, trailer, mobile home, manufactured home,
155 vessel or houseboat is kept;

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

160 (o) Offense history;

161 (p) Photograph;

162 (q) Fingerprints and palm prints;

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

165 (s) Biological sample;

166 (t) Name of any public or private educational
167 institution, including any secondary school, trade or professional
168 institution or institution of higher education at which the
169 offender is employed, carries on a vocation (with or without
170 compensation) or is enrolled as a student, or will be enrolled as
171 a student, and the registrant's status;

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



174 (v) The offender's parole, probation or supervised
175 release status and the existence of any outstanding arrest
176 warrants;

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

179 (x) Professional licensing information which authorizes
180 the registrant to engage in an occupation or carry out a trade or
181 occupation;

182 (y) Information from passport and immigration
183 documents;

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

187 (aa) Any other information deemed necessary.

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

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



199 (b) A person residing within three thousand (3,000)
200 feet of the real property comprising a public or nonpublic
201 elementary or secondary school or a child care facility does not
202 commit a violation of this subsection if any of the following
203 apply:

204 (i) The person is serving a sentence at a jail,
205 prison, juvenile facility or other correctional institution or
206 facility.

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

209 (iii) The person established the subject residence
210 before July 1, 2006.

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

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

218 (vi) The person is a minor or a ward under a
219 guardianship.

220 (c) A person residing within three thousand (3,000)
221 feet of the real property comprising a residential child-caring
222 agency, a children's group care home or any playground, ballpark
223 or other recreational facility utilized by persons under the age



224 of eighteen (18) years does not commit a violation of this
225 subsection if any of the following apply:

226 (i) The person established the subject residence
227 before July 1, 2008.

228 (ii) The residential child-caring agency,
229 children's group care home, playground, ballpark or other
230 recreational facility utilized by persons under the age of
231 eighteen (18) years is established within three thousand (3,000)
232 feet of the person's residence subsequent to the date the person
233 established residency.

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

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

242 (5) The Department of Public Safety is required to obtain
243 the text of the law defining the offense or offenses for which the
244 registration is required.

245 (6) The residence restriction provided under this section
246 shall not apply to post-release reentry centers regardless of the
247 location of any center.



248 **SECTION 4.** Section 45-33-35, Mississippi Code of 1972, is
249 amended as follows:

250 45-33-35. (1) The Mississippi Department of Public Safety
251 shall maintain a central registry of sex offender information as
252 defined in Section 45-33-25 and shall adopt rules and regulations
253 necessary to carry out this section. The responsible agencies
254 shall provide the information required in Section 45-33-25 on a
255 form developed by the department to ensure accurate information is
256 maintained.

257 (2) Upon conviction, adjudication or acquittal by reason of
258 insanity of any sex offender, if the sex offender is not
259 immediately confined or not sentenced to a term of imprisonment,
260 the clerk of the court which convicted and sentenced the sex
261 offender shall inform the person of the duty to register,
262 including the duty to personally appear at a facility designated
263 by the Department of Public Safety, or in a manner of the
264 Department of Public Safety's choosing, including by electronic
265 means, and shall perform the registration duties as described in
266 Section 45-33-23 and forward the information to the department.

267 (3) Before release from prison or placement on parole,
268 supervised release or in a work center * * *, the Department of
269 Corrections shall inform the person of the duty to register,
270 including the duty to personally appear at a facility designated
271 by the Department of Public Safety, or in a manner of the
272 Department of Public Safety's choosing, including by electronic



273 means, and shall perform the registration duties as described in
274 Section 45-33-23 and forward the information to the Department of
275 Public Safety.

276 (4) Before release from a community regional mental health
277 center or from confinement in a mental institution following an
278 acquittal by reason of insanity, the director of the facility
279 shall inform the offender of the duty to register, including the
280 duty to personally appear at a facility designated by the
281 Department of Public Safety, or in a manner of the Department of
282 Public Safety's choosing, including by electronic means, and shall
283 perform the registration duties as described in Section 45-33-23
284 and forward the information to the Department of Public Safety.

285 (5) Before release from a youthful offender facility, the
286 director of the facility shall inform the person of the duty to
287 register, including the duty to personally appear at a facility
288 designated by the Department of Public Safety, or in a manner of
289 the Department of Public Safety's choosing, including by
290 electronic means, and shall perform the registration duties as
291 described in Section 45-33-23 and forward the information to the
292 Department of Public Safety.

293 (6) In addition to performing the registration duties, the
294 responsible agency shall:

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

296 (i) The person is required to personally appear at
297 a facility designated by the Department of Public Safety, or in a



298 manner of the Department of Public Safety's choosing, including by
299 electronic means, at least ten (10) days before changing address.

300 (ii) Any change of address to another jurisdiction
301 shall be reported to the department by personally appearing at a
302 facility designated by the Department of Public Safety, or in a
303 manner of the Department of Public Safety's choosing, including by
304 electronic means, not less than ten (10) days before the change of
305 address. The offender shall comply with any registration
306 requirement in the new jurisdiction.

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

310 (iv) Address verifications shall be made by
311 personally appearing at a facility designated by the Department of
312 Public Safety, or in a manner of the Department of Public Safety's
313 choosing, including by electronic means, within the required time
314 period.

315 (v) Notification or verification of a change in
316 status of a registrant's enrollment, employment or vocation at any
317 public or private educational institution, including any secondary
318 school, trade or professional institution, or institution of
319 higher education shall be reported to the department by personally
320 appearing at a facility designated by the Department of Public
321 Safety, or in a manner of the Department of Public Safety's



322 choosing, including by electronic means, within three (3) business
323 days of the change.

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

329 (vii) Upon any change of name or employment, a
330 registrant is required to personally appear at a facility
331 designated by the Department of Public Safety, or in a manner of
332 the Department of Public Safety's choosing, including by
333 electronic means, within three (3) business days of the change.

334 (viii) Upon any change of vehicle information, a
335 registrant is required to report the change on an appropriate form
336 supplied by the department within three (3) business days of the
337 change.

338 (ix) Upon any change of e-mail address or
339 addresses, instant message address or addresses or any other
340 designation used in Internet communications, postings or telephone
341 communications, a registrant is required to report the change on
342 an appropriate form supplied by the department within three (3)
343 business days of the change.

344 (x) Upon any change of information deemed to be
345 necessary to the state's policy to assist local law enforcement
346 agencies' efforts to protect their communities, a registrant is



347 required to report the change on an appropriate form supplied by
348 the department within three (3) business days of the change.

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

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

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

358 **SECTION 5.** This act shall take effect and be in force from
359 and after July 1, 2022.

