

By: Representatives Horan, McLean

To: Judiciary B

HOUSE BILL NO. 1004

1 AN ACT TO AMEND SECTIONS 45-33-23 AND 45-33-25, MISSISSIPPI  
2 CODE OF 1972, TO REVISE THE DEFINITIONS FOR THE PROVISIONS OF LAW  
3 THAT REGULATE SEX OFFENDER REGISTRY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-33-23, Mississippi Code of 1972, is  
6 amended as follows:

7 45-33-23. For the purposes of this chapter, the following  
8 words shall have the meanings ascribed herein unless the context  
9 clearly requires otherwise:

10 (a) "Conviction" means that, regarding the person's  
11 offense, there has been a determination or judgment of guilt as a  
12 result of a trial or the entry of a plea of guilty or nolo  
13 contendere regardless of whether adjudication is withheld.

14 "Conviction of similar offenses" includes, but is not limited to,  
15 a conviction by a federal or military tribunal, including a  
16 court-martial conducted by the Armed Forces of the United States,  
17 a conviction for an offense committed on an Indian Reservation or  
18 other federal property, a conviction in any state of the United



19 States, the District of Columbia, the Commonwealth of Puerto Rico,  
20 Guam, American Samoa, the Northern Marianna Islands or the United  
21 States Virgin Islands, and a conviction in a foreign country if  
22 the foreign country's judicial system is such that it satisfies  
23 minimum due process set forth in the guidelines under Section  
24 111(5) (B) Public Law 109-248.

25 (b) "Department" means the Mississippi Department of  
26 Public Safety unless otherwise specified.

27 (c) "Jurisdiction" means any court or locality  
28 including any state court, federal court, military court, Indian  
29 tribunal or foreign court, the fifty (50) states, the District of  
30 Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa,  
31 the Northern Marianna Islands or the United States Virgin Islands,  
32 and Indian tribes that elect to function as registration  
33 jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh  
34 Child Safety Act.

35 (d) "Permanent residence" means a place where the  
36 person abides, lodges, or resides for a period of fourteen (14) or  
37 more \* \* \* aggregate days.

38 (e) "Registration" means providing information to the  
39 appropriate agency within the timeframe specified as required by  
40 this chapter.

41 (f) "Registration duties" means obtaining the  
42 registration information required on the form specified by the  
43 department as well as the photograph, fingerprints and biological



44 sample of the registrant. Biological samples are to be forwarded  
45 to the Mississippi Forensics Laboratory pursuant to Section  
46 45-33-37; the photograph, fingerprints and other registration  
47 information are to be forwarded to the Department of Public Safety  
48 immediately.

49 (g) "Responsible agency" is defined as the person or  
50 government entity whose duty it is to obtain information from a  
51 criminal sex offender upon conviction and to transmit that  
52 information to the Mississippi Department of Public Safety.

53 (i) For a criminal sex offender being released  
54 from the custody of the Department of Corrections, the responsible  
55 agency is the Department of Corrections.

56 (ii) For a criminal sex offender being released  
57 from a county jail, the responsible agency is the sheriff of that  
58 county.

59 (iii) For a criminal sex offender being released  
60 from a municipal jail, the responsible agency is the police  
61 department of that municipality.

62 (iv) For a sex offender in the custody of the  
63 youth court, the responsible agency is the youth court.

64 (v) For a criminal sex offender who is being  
65 placed on probation, including conditional discharge or  
66 unconditional discharge, without any sentence of incarceration,  
67 the responsible agency is the sentencing court.



68                   (vi) For an offender who has been committed to a  
69 mental institution following an acquittal by reason of insanity,  
70 the responsible agency is the facility from which the offender is  
71 released. Specifically, the director of the facility shall notify  
72 the Department of Public Safety before the offender's release.

73                   (vii) For a criminal sex offender who is being  
74 released from a jurisdiction outside this state or who has a prior  
75 conviction in another jurisdiction and who is to reside, work or  
76 attend school in this state, the responsible agency is both the  
77 sheriff of the proposed county of residence and the department.

78                   (h) "Sex offense" or "registrable offense" means any of  
79 the following offenses:

80                   (i) Section 97-3-53 relating to kidnapping, if the  
81 victim was below the age of eighteen (18);

82                   (ii) Section 97-3-65 relating to rape; however,  
83 conviction or adjudication under Section 97-3-65(1)(a) when the  
84 offender was eighteen (18) years of age or younger at the time of  
85 the alleged offense, shall not be a registrable sex offense;

86                   (iii) Section 97-3-71 relating to rape and assault  
87 with intent to ravish;

88                   (iv) Section 97-3-95 relating to sexual battery;  
89 however, conviction or adjudication under Section 97-3-95(1)(c)  
90 when the offender was eighteen (18) years of age or younger at the  
91 time of the alleged offense, shall not be a registrable sex  
92 offense;



93                   (v) Section 97-5-5 relating to enticing a child  
94 for concealment, prostitution or marriage;

95                   (vi) Section 97-5-23 relating to the touching of a  
96 child, mentally defective or incapacitated person or physically  
97 helpless person for lustful purposes;

98                   (vii) Section 97-5-27 relating to the  
99 dissemination of sexually oriented material to children;

100                   (viii) Section 97-5-33 relating to the  
101 exploitation of children;

102                   (ix) Section 97-5-41 relating to the carnal  
103 knowledge of a stepchild, adopted child or child of a cohabiting  
104 partner;

105                   (x) Section 97-29-3 relating to sexual intercourse  
106 between teacher and student;

107                   (xi) Section 97-29-59 relating to unnatural  
108 intercourse;

109                   (xii) Section 43-47-18 relating to sexual abuse of  
110 a vulnerable person;

111                   (xiii) Section 97-3-54.1(1)(c) relating to  
112 procuring sexual servitude of a minor and Section 97-3-54.3  
113 relating to aiding, abetting or conspiring to violate Section  
114 97-3-54.1(1)(c);

115                   (xiv) Section 97-29-61(2) relating to voyeurism  
116 when the victim is a child under sixteen (16) years of age;



117 (xv) Section 97-29-63 relating to filming another  
118 without permission where there is an expectation of privacy;

119 (xvi) Section 97-29-45(1)(a) relating to obscene  
120 electronic communication;

121 (xvii) Section 97-3-104 relating to the crime of  
122 sexual activity between law enforcement, correctional or custodial  
123 personnel and prisoners;

124 (xviii) Section 97-5-39(1)(e) relating to  
125 contributing to the neglect or delinquency of a child, felonious  
126 abuse or battery of a child, if the victim was sexually abused;

127 (xix) Section 97-29-51 relating to procuring or  
128 promoting prostitution when the victim is a child under eighteen  
129 (18) years of age;

130 (xx) Section 97-1-7 relating to attempt to commit  
131 any of the offenses referenced in this paragraph (h);

132 (xxi) Any other offense resulting in a conviction  
133 in another jurisdiction which, if committed in this state, would  
134 be deemed to be such a crime without regard to its designation  
135 elsewhere;

136 (xxii) Any offense resulting in a conviction in  
137 another jurisdiction for which registration is required in the  
138 jurisdiction where the conviction was had;

139 (xxiii) Any conviction of conspiracy to commit,  
140 accessory to commission, or attempt to commit any offense listed  
141 in this section;



142 (xxiv) Capital murder when one (1) of the  
143 above-described offenses is the underlying crime.

144 (i) "Temporary residence" is defined as any place where  
145 the person abides, lodges, or resides for a period of seven (7) or  
146 more \* \* \* aggregate days which is not the person's permanent  
147 residence.

148 (j) "Address" means the actual physical street address  
149 of a person's permanent or temporary residence. For a person who  
150 is homeless but is subject to registration under this chapter, the  
151 address information must provide a specific description of where  
152 the person habitually lives; the term "homeless" or similar  
153 description does not constitute an address within the  
154 contemplation of this chapter.

155 **SECTION 2.** Section 45-33-25, Mississippi Code of 1972, is  
156 amended as follows:

157 45-33-25. (1) (a) Any person having a permanent or  
158 temporary residence in this state or who is employed or attending  
159 school in this state who has been convicted of a registrable  
160 offense in this state or another jurisdiction or who has been  
161 acquitted by reason of insanity of a registrable offense in this  
162 state or another jurisdiction shall register with the responsible  
163 agency and the Mississippi Department of Public Safety.  
164 Registration shall not be required for an offense that is not a  
165 registrable sex offense or for an offender who is under fourteen  
166 (14) years of age. The department shall provide the initial



167 registration information as well as every change of name, change  
168 of address, change of status at a school, or other change of  
169 information as required by the department to the sheriff of the  
170 county of the residence address of the registrant, the sheriff of  
171 the county of the employment address, and the sheriff of the  
172 county of the school address, if applicable, and any other  
173 jurisdiction of the registrant through either written notice,  
174 electronic or telephone transmissions, or online access to  
175 registration information. Further, the department shall provide  
176 this information to the Federal Bureau of Investigation.  
177 Additionally, upon notification by the registrant that he intends  
178 to reside outside the State of Mississippi, the department shall  
179 notify the appropriate state law enforcement agency of any state  
180 to which a registrant is moving or has moved.

181 (b) Any person having a permanent or temporary  
182 residence or who is employed or attending school in this state who  
183 has been adjudicated delinquent for a registrable sex offense  
184 listed in this paragraph that involved use of force against the  
185 victim shall register as a sex offender with the responsible  
186 agency and shall personally appear at a facility designated by the  
187 Mississippi Department of Public Safety, or in a manner of the  
188 Department of Public Safety's choosing, including by electronic  
189 means, within three (3) business days of registering with the  
190 responsible agency:





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

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

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

195 or

196 (iv) Conspiracy to commit, accessory to the  
197 commission of, or attempt to commit any offense listed in this  
198 paragraph.

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

201 (a) Name, including a former name which has been  
202 legally changed;

203 (b) Street address of all current permanent and  
204 temporary residences within state or out of state at which the sex  
205 offender resides or habitually lives, including dates of temporary  
206 lodgings. There is a presumption that a registrant owes a duty of  
207 updating registration information if \* \* \* the registrant remains  
208 away from a registered address for seven (7) or more \* \* \*  
209 aggregate days; \* \* \*

210 \* \* \*

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

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

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



- 216 (f) Aliases used or nicknames, ethnic or tribal names  
217 by which commonly known;
- 218 (g) Social security number and any purported social  
219 security number or numbers;
- 220 (h) Date and place of birth and any purported date and  
221 place of birth;
- 222 (i) Age, race, sex, height, weight, hair and eye  
223 colors, and any other physical description or identifying factors;
- 224 (j) A brief description of the offense or offenses for  
225 which the registration is required;
- 226 (k) Driver's license or state or other jurisdiction  
227 identification card number, which license or card may be  
228 electronically accessed by the Department of Public Safety;
- 229 (l) Anticipated future residence;
- 230 (m) If the registrant's residence is a motor vehicle,  
231 trailer, mobile home or manufactured home, the registrant shall  
232 also provide vehicle identification number, license tag number,  
233 registration number and a description, including color scheme, of  
234 the motor vehicle, trailer, mobile home or manufactured home; if  
235 the registrant's place of residence is a vessel or houseboat, the  
236 registrant shall also provide the hull identification number,  
237 manufacturer's serial number, name of the vessel or houseboat,  
238 registration number and a description, including color scheme, of  
239 the vessel or houseboat, including permanent or frequent locations



240 where the motor vehicle, trailer, mobile home, manufactured home,  
241 vessel or houseboat is kept;

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

246 (o) Offense history;

247 (p) Photograph;

248 (q) Fingerprints and palm prints;

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

251 (s) Biological sample;

252 (t) Name of any public or private educational  
253 institution, including any secondary school, trade or professional  
254 institution or institution of higher education at which the  
255 offender is employed, carries on a vocation (with or without  
256 compensation) or is enrolled as a student, or will be enrolled as  
257 a student, and the registrant's status;

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

260 (v) The offender's parole, probation or supervised  
261 release status and the existence of any outstanding arrest  
262 warrants;

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



265 (x) Professional licensing information which authorizes  
266 the registrant to engage in an occupation or carry out a trade or  
267 occupation;

268 (y) Information from passport and immigration  
269 documents;

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

273 (aa) Any other information deemed necessary.

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

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

285 (b) A person residing within three thousand (3,000)  
286 feet of the real property comprising a public or nonpublic  
287 elementary or secondary school or a child care facility does not  
288 commit a violation of this subsection if any of the following  
289 apply:



290 (i) The person is serving a sentence at a jail,  
291 prison, juvenile facility or other correctional institution or  
292 facility.

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

295 (iii) The person established the subject residence  
296 before July 1, 2006.

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

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

304 (vi) The person is a minor or a ward under a  
305 guardianship.

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

312 (i) The person established the subject residence  
313 before July 1, 2008.



314 (ii) The residential child-caring agency,  
315 children's group care home, playground, ballpark or other  
316 recreational facility utilized by persons under the age of  
317 eighteen (18) years is established within three thousand (3,000)  
318 feet of the person's residence subsequent to the date the person  
319 established residency.

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

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

328 (5) The Department of Public Safety is required to obtain  
329 the text of the law defining the offense or offenses for which the  
330 registration is required.

331 **SECTION 3.** This act shall take effect and be in force from  
332 and after July 1, 2024.

