

By: Senator(s) Chism

To: Judiciary, Division B;
Universities and Colleges

SENATE BILL NO. 2434

1 AN ACT TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT REGISTERED SEX OFFENDERS FROM LIVING IN CAMPUS STUDENT
3 HOUSING OR IN A SORORITY OR FRATERNITY HOUSE AT A PUBLIC
4 UNIVERSITY OR COMMUNITY COLLEGE IN MISSISSIPPI; TO PROVIDE CIVIL
5 ENFORCEMENT PROVISIONS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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



45 (ii) Section 97-3-95 relating to sexual battery;
46 (iii) Section 97-3-65 relating to statutory rape;
47 or
48 (iv) Conspiracy to commit, accessory to the
49 commission of, or attempt to commit any offense listed in this
50 paragraph.

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

53 (a) Name, including a former name which has been
54 legally changed;

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

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

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

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

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

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



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

72 (g) Social security number and any purported social
73 security number or numbers;

74 (h) Date and place of birth and any purported date and
75 place of birth;

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

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

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

83 (l) Anticipated future residence;

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



94 where the motor vehicle, trailer, mobile home, manufactured home,
95 vessel or houseboat is kept;

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

100 (o) Offense history;

101 (p) Photograph;

102 (q) Fingerprints and palm prints;

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

105 (s) Biological sample;

106 (t) Name of any public or private educational
107 institution, including any secondary school, trade or professional
108 institution or institution of higher education at which the
109 offender is employed, carries on a vocation (with or without
110 compensation) or is enrolled as a student, or will be enrolled as
111 a student, and the registrant's status;

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

114 (v) The offender's parole, probation or supervised
115 release status and the existence of any outstanding arrest
116 warrants;

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



119 (x) Professional licensing information which authorizes
120 the registrant to engage in an occupation or carry out a trade or
121 occupation;

122 (y) Information from passport and immigration
123 documents;

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

127 (aa) Any other information deemed necessary.

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

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

139 (b) A person residing within three thousand (3,000)
140 feet of the real property comprising a public or nonpublic
141 elementary or secondary school or a child care facility does not
142 commit a violation of this subsection if any of the following
143 apply:



144 (i) The person is serving a sentence at a jail,
145 prison, juvenile facility or other correctional institution or
146 facility.

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

149 (iii) The person established the subject residence
150 before July 1, 2006.

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

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

158 (vi) The person is a minor or a ward under a
159 guardianship.

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

166 (i) The person established the subject residence
167 before July 1, 2008.



168 (ii) The residential child-caring agency,
169 children's group care home, playground, ballpark or other
170 recreational facility utilized by persons under the age of
171 eighteen (18) years is established within three thousand (3,000)
172 feet of the person's residence subsequent to the date the person
173 established residency.

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

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

182 (5) Any person required to register under this section is
183 prohibited from living in campus student housing, including a
184 sorority or fraternity house, at an institution of higher learning
185 or community college supported in whole or in part by the State of
186 Mississippi.

187 (6) Civil liability:

188 (a) A person may assert a violation of subsection (5)
189 of this section as a claim or defense in a judicial or
190 administrative proceeding and obtain compensatory damages,
191 punitive damages, injunctive relief, declaratory relief or any
192 other appropriate relief. Such claim may be brought against any



193 applicable governmental entity for each building under its
194 ownership, control or lease which caused or contributed to a
195 violation of this subsection (6).

196 (b) A person under eighteen (18) years of age may bring
197 an action throughout their minority through a parent or next
198 friend and may bring an action in their own name upon reaching the
199 age of majority.

200 (c) Notwithstanding any other provision of law, an
201 action under this subsection (6) may be commenced, and relief may
202 be granted, in a judicial proceeding without regard to whether the
203 person commencing the action has sought or exhausted available
204 administrative remedies.

205 (d) In any action or proceeding to enforce a provision
206 of this subsection (6), a prevailing party who establishes a
207 violation of this subsection (6) shall recover reasonable
208 attorney's fees.

209 (* * *7) The Department of Public Safety is required to
210 obtain the text of the law defining the offense or offenses for
211 which the registration is required.

212 **SECTION 2.** This act shall take effect and be in force from
213 and after July 1, 2024.

