

By: Representative McLean

To: Judiciary B

HOUSE BILL NO. 1327

1 AN ACT TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972,
2 TO ADD THE CRIME OF INDECENT EXPOSURE TO THE LIST OF CRIMES FOR
3 REGISTERED SEX OFFENDERS; 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 in a six (6) month period.

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.



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

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

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

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

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

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

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



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

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

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

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

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

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

(xxi) Section 97-29-31 relating to the crime of indecent exposure;

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

(* * * xxiii) Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had;



141 (* * *xxiv) Any conviction of conspiracy to
142 commit, accessory to commission, or attempt to commit any offense
143 listed in this section;

144 (* * *xxv) Capital murder when one (1) of the
145 above-described offenses is the underlying crime.

146 (i) "Temporary residence" is defined as any place where
147 the person abides, lodges, or resides for a period of seven (7) or
148 more aggregate days in a six (6) month period which is not the
149 person's permanent residence.

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

157 **SECTION 2.** This act shall take effect and be in force from
158 and after July 1, 2025.

