

By: Representative Hines

To: Judiciary B

HOUSE BILL NO. 1499

1 AN ACT TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT CERTAIN PERSONS FROM THE REQUIREMENT TO REGISTER AS A
3 SEX OFFENDER IF THE PERSON IS RELIEVED OF THE DUTY TO REGISTER AS
4 A SEX OFFENDER IN ANOTHER JURISDICTION; TO AMEND SECTION 45-33-47,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT TO PROVIDE AN
6 EXEMPTION TO REGISTER AS A SEX OFFENDER FOR CERTAIN PERMANENTLY
7 DISABLED PERSONS WHO ARE EXEMPT FROM REGISTRATION IN ANOTHER
8 JURISDICTION; AND FOR RELATED PURPOSES.

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

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

12 45-33-25. (1) (a) Any person having a permanent or
13 temporary residence in this state or who is employed or attending
14 school in this state who has been convicted of a registrable
15 offense in this state or another jurisdiction or who has been
16 acquitted by reason of insanity of a registrable offense in this
17 state or another jurisdiction shall register with the responsible
18 agency and the Mississippi Department of Public Safety.

19 Registration shall not be required for an offense that is not a
20 registrable sex offense or for an offender who is under fourteen
21 (14) years of age. Registration shall not be required if the

22 person has been exempted from such requirement in another
23 jurisdiction due to a permanent, debilitating disability that
24 prohibits the person from caring for himself or herself without
25 assistance from others. The department shall provide the initial
26 registration information as well as every change of name, change
27 of address, change of status at a school, or other change of
28 information as required by the department to the sheriff of the
29 county of the residence address of the registrant, the sheriff of
30 the county of the employment address, and the sheriff of the
31 county of the school address, if applicable, and any other
32 jurisdiction of the registrant through either written notice,
33 electronic or telephone transmissions, or online access to
34 registration information. Further, the department shall provide
35 this information to the Federal Bureau of Investigation.
36 Additionally, upon notification by the registrant that he intends
37 to reside outside the State of Mississippi, the department shall
38 notify the appropriate state law enforcement agency of any state
39 to which a registrant is moving or has moved.

40 (b) Any person having a permanent or temporary
41 residence or who is employed or attending school in this state who
42 has been adjudicated delinquent for a registrable sex offense
43 listed in this paragraph that involved use of force against the
44 victim shall register as a sex offender with the responsible
45 agency and shall personally appear at a facility designated by the
46 Mississippi Department of Public Safety, or in a manner of the



47 Department of Public Safety's choosing, including by electronic
48 means, within three (3) business days of registering with the
49 responsible agency:

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

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

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

54 or

55 (iv) Conspiracy to commit, accessory to the
56 commission of, or attempt to commit any offense listed in this
57 paragraph.

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

60 (a) Name, including a former name which has been
61 legally changed;

62 (b) Street address of all current permanent and
63 temporary residences within state or out of state at which the sex
64 offender resides or habitually lives, including dates of temporary
65 lodgings. There is a presumption that a registrant owes a duty of
66 updating registration information if the registrant remains away
67 from a registered address for seven (7) or more aggregate days in
68 a six (6) month period;

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

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



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

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

76 (g) Social security number and any purported social
77 security number or numbers;

78 (h) Date and place of birth and any purported date and
79 place of birth;

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

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

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

87 (1) Anticipated future residence;

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



97 the vessel or houseboat, including permanent or frequent locations
98 where the motor vehicle, trailer, mobile home, manufactured home,
99 vessel or houseboat is kept;

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

104 (o) Offense history;

105 (p) Photograph;

106 (q) Fingerprints and palm prints;

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

109 (s) Biological sample;

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

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

118 (v) The offender's parole, probation or supervised
119 release status and the existence of any outstanding arrest
120 warrants;



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

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

(y) Information from passport and immigration documents;

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

(aa) Any other information deemed necessary.

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

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

(b) A person residing within three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not



146 commit a violation of this subsection if any of the following
147 apply:

148 (i) The person is serving a sentence at a jail,
149 prison, juvenile facility or other correctional institution or
150 facility.

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

153 (iii) The person established the subject residence
154 before July 1, 2006.

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

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

162 (vi) The person is a minor or a ward under a
163 guardianship.

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

170 (i) The person established the subject residence
171 before July 1, 2008.

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

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

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

186 (5) The Department of Public Safety is required to obtain
187 the text of the law defining the offense or offenses for which the
188 registration is required.

189 **SECTION 2.** Section 45-33-47, Mississippi Code of 1972, is
190 amended as follows:

191 45-33-47. (1) A sex offender with a duty to register under
192 Section 45-33-25 shall only be relieved of the duty under
193 subsection (2) of this section.

(2) A person required to register for a registrable sex offense under Section 45-33-25 may petition the circuit court of the sentencing jurisdiction, or for a person whose duty to register arose in another jurisdiction, the county in which the registrant resides, to be relieved of that duty under the following conditions:

209 (b) **Tier One.** (i) Tier One requires registration for
210 a minimum of fifteen (15) years in this state and includes any of
211 the following listed registrable sex offenses:



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

5. Any conviction of conspiracy to commit,
accessory to commission, or attempt to commit any offense listed
in this tier;

6. Any conviction for violation of a similar
law of another jurisdiction of any offense listed in this tier;

7. Any offense resulting in a conviction in
another jurisdiction for which registration is required in the
jurisdiction where the conviction was had, although registration
would not be otherwise required in this state.

(ii) Notwithstanding any other provision of this
chapter, an offender may petition the appropriate circuit court to
be relieved of the duty to register upon fifteen (15) years'
satisfaction of the requirements of this section for the
convictions classified as Tier One offenses.

(c) **Tier Two.** (i) Tier Two requires registration for
a minimum of twenty-five (25) years in this state and includes any
of the following listed registrable sex offenses:

1. Section 97-5-33(3) through (9) relating to
the exploitation of children;

2. Section 97-29-59 relating to unnatural
intercourse;



241 3. Section 97-29-63, relating to filming
242 another without permission where there is an expectation of
243 privacy;

244 4. Section 97-3-104 relating to crime of
245 sexual activity between law enforcement or correctional personnel
246 and prisoners;

263 (d) **Tier Three.** Tier Three requires lifetime
264 registration, the registrant not being eligible to be relieved of



the duty to register except as otherwise provided in this section, and includes any of the following listed registrable sex offenses:

- (i) Section 97-3-65 relating to rape;
- (ii) Section 97-3-71 relating to rape and assault with intent to ravish;
- (iii) Section 97-3-95 relating to sexual battery;
- (iv) Subsection (1) or (2) of Section 97-5-33 relating to the exploitation of children;
- (v) Section 97-5-5 relating to enticing a child for concealment, prostitution or marriage;
- (vi) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;
- (vii) Section 97-3-53 relating to kidnapping if the victim is under the age of eighteen (18);
- (viii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor;
- (ix) Section 97-3-54.3 relating to aiding, abetting or conspiring to violate antihuman trafficking provisions;
- (x) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;



288 (xi) Section 43-47-18 relating to sexual abuse of
289 a vulnerable person by health care employees or persons in a
290 position of trust or authority;

291 (xii) Section 97-5-39(1)(c) relating to
292 contributing to the neglect or delinquency of a child, felonious
293 abuse and/or battery of a child, if the victim was sexually
294 abused;

295 (xiii) Capital murder when one (1) of the
296 above-described offenses is the underlying crime;

297 (xiv) Any conviction for violation of a similar
298 law of another jurisdiction or designation as a sexual predator in
299 another jurisdiction;

300 (xv) Any conviction of conspiracy to commit,
301 accessory to commission, or attempt to commit any offense listed
302 in this tier; or

303 (xvi) Any conviction of a Tier Two offense if it
304 is the offender's second or subsequent conviction of a registrable
305 sex offense.

306 (e) An offender who has two (2) separate convictions
307 for any of the registrable offenses described in Section 45-33-23
308 is subject to lifetime registration and shall not be eligible to
309 petition to be relieved of the duty to register if at least one
310 (1) of the convictions was entered on or after July 1, 1995.

311 (f) An offender, twenty-one (21) years of age or older,
312 who is convicted of any sex offense where the victim was fourteen



313 (14) years of age or younger shall be subject to lifetime
314 registration and shall not be relieved of the duty to register.

315 (g) A first-time offender fourteen (14) years of age or
316 older adjudicated delinquent in a youth court for a registrable
317 offense of rape pursuant to Section 96-3-65 or a registrable
318 offense of sexual battery pursuant to Section 97-3-95 is subject
319 to lifetime registration, but shall be eligible to petition to be
320 relieved of the duty to register after twenty-five (25) years of
321 registration.

322 (h) Registration following arrest or arraignment for
323 failure to register is not a defense and does not relieve the sex
324 offender of criminal liability for failure to register.

325 (i) The department shall continue to list in the
326 registry the name and registration information of all registrants
327 who no longer work, reside or attend school in this state even
328 after the registrant moves to another jurisdiction and registers
329 in the new jurisdiction as required by law. The registry shall
330 note that the registrant moved out of state.

331 (j) The department shall relieve from the duty to
332 register as a sex offender, any person who has been exempted from
333 registration in another jurisdiction because the person has a
334 permanent, debilitating disability that prohibits him or her from
335 the ability to care for themselves without assistance from others.

336 (3) In determining whether to release an offender from the
337 obligation to register, the court shall consider the nature of the

338 registrable offense committed and the criminal and relevant
339 noncriminal behavior of the petitioner both before and after
340 conviction. The court may relieve the offender of the duty to
341 register only if the petitioner shows, by clear and convincing
342 evidence, that the registrant properly maintained his registration
343 as required by law and that future registration of the petitioner
344 will not serve the purposes of this chapter and the court is
345 otherwise satisfied that the petitioner is not a current or
346 potential threat to public safety. The district attorney in the
347 circuit in which the petition is filed must be given notice of the
348 petition at least three (3) weeks before the hearing on the
349 matter. The district attorney may present evidence in opposition
350 to the requested relief or may otherwise demonstrate the reasons
351 why the petition should be denied. If the court denies the
352 petition, the petitioner may not again petition the court for
353 relief until one (1) year has elapsed unless the court orders
354 otherwise in its order of denial of relief.

355 (4) The offender will be required to continue registration
356 for any sex offense conviction unless the conviction is set aside
357 in any post-conviction proceeding, the offender receives a pardon,
358 the charge is dismissed or the offender has received a court order
359 pursuant to this section relieving him of the duty to register.
360 Upon submission of the appropriate documentation to the department
361 of one (1) of these occurrences, registration duties will be
362 discontinued.



363 (5) A person required to register as a sex offender who is
364 convicted under Section 45-33-33 of providing false registration
365 information or of failure to register, reregister, update
366 registration, or comply with electronic monitoring shall be
367 subject to electronic monitoring at the expense of the offender
368 under the program provided in Section 45-33-45. Termination of
369 the duty to register also terminates the duty to be monitored.

370 **SECTION 3.** This act shall take effect and be in force from
371 and after July 1, 2025.

