

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                   (l) 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



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

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

(o) Offense history;

(p) Photograph;

(q) Fingerprints and palm prints;

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

(s) Biological sample;

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

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

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



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

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

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

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

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

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

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

(c) A person residing within three thousand (3,000)  
feet of the real property comprising 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 does not commit a violation of this  
subsection if any of the following apply:



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

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

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

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

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

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

45-33-47. (1) A sex offender with a duty to register under Section 45-33-25 shall only be relieved of the duty under 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:

(a) The offender has maintained his registration in Mississippi for the required minimum registration from the most recent date of occurrence of at least one (1) of the following: release from prison, placement on parole, supervised release or probation or as determined by the offender's tier classification. Incarceration for any offense will restart the minimum registration requirement. Registration in any other jurisdiction does not reduce the minimum time requirement for maintaining registration in Mississippi.

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

1. Section 97-5-27(1) relating to dissemination of sexually oriented material to children;
2. Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;
3. Section 97-29-3 relating to misdemeanor sexual intercourse between teacher and student;



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

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

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

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

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

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

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

239 2. Section 97-29-59 relating to unnatural  
240 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;

247 5. Section 43-47-18(2)(a) and (b) relating to  
248 gratification of lust or fondling by health care employees or  
249 persons in position of trust or authority;

250 6. Any conviction of conspiracy to commit,  
251 accessory to commission, or attempt to commit any offense listed  
252 in this tier;

253 7. Any conviction for violation of a similar  
254 law of another jurisdiction of any offense listed in this tier; or

255 8. Any conviction of a Tier One offense if it  
256 is the offender's second or subsequent conviction of a registrable  
257 sex offense;

258 (ii) Notwithstanding any other provision of this  
259 chapter, an offender may petition the appropriate circuit court to  
260 be relieved of the duty to register upon twenty-five (25) years'  
261 satisfaction of the requirements of this section for the  
262 convictions classified as Tier Two offenses.

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;



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

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

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

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

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

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

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

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



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

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

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

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

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

(3) In determining whether to release an offender from the 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.

