

By: Senator(s) McLendon

To: Judiciary, Division B

SENATE BILL NO. 2207

1 AN ACT TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF 1972,
2 TO ENABLE THE REVOCATION OF BOND UNDER SECTION 29 OF ARTICLE 3 OF
3 THE MISSISSIPPI CONSTITUTION OF 1890 FOR THE CRIME OF FAILURE TO
4 REGISTER AS A SEX OFFENDER BY INCREASING THE PENALTY FOR THE CRIME
5 BY ONE DAY; AND FOR RELATED PURPOSES.

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

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

9 45-33-33. (1) (a) The failure of an offender to personally
10 appear at a facility designated by the Department of Public
11 Safety, or in a manner of the Department of Public Safety's
12 choosing, including by electronic means, or to provide any
13 registration or other information, including, but not limited to,
14 initial registration, reregistration, change of address
15 information, change of employment, change of name, required
16 notification to a volunteer organization or any other registration
17 duty or submission of information required by this chapter is a
18 violation of this chapter. Additionally, forgery of information



19 or submission of information under false pretenses, whether by the
20 registrant or another person, is also a violation of this chapter.

21 (b) A person commits a violation of this chapter who:

22 (i) Knowingly harbors, or knowingly attempts to
23 harbor, or knowingly assists another person in harboring or
24 attempting to harbor a sex offender who is in violation of this
25 chapter;

26 (ii) Knowingly assists a sex offender in eluding a
27 law enforcement agency that is seeking to find the sex offender to
28 question the sex offender about, or to arrest the sex offender
29 for, noncompliance with the requirements of this chapter; or

30 (iii) Provides information to a law enforcement
31 agency regarding a sex offender which the person knows to be
32 false.

33 (c) A registrant who is required to submit to
34 electronic monitoring who does not comply with all the terms and
35 conditions of the electronic monitoring commits a violation of
36 this chapter.

37 (2) (a) Unless otherwise specified, a violation of this
38 chapter shall be considered a felony and shall be punishable by a
39 fine of not more than Five Thousand Dollars (\$5,000.00),
40 imprisonment in the custody of the Department of Corrections for
41 not more than five (5) years and one (1) day, or both fine and
42 imprisonment.



43 (b) A person who is required to register under this
44 chapter who is subsequently convicted for a registration violation
45 under this section, upon release from incarceration, shall submit
46 to mandatory electronic monitoring under the program established
47 under Section 45-33-45 for a period computed by subtracting the
48 time the person spent in actual incarceration from the five-year
49 maximum imprisonment for the offense and the period of
50 post-release monitoring shall not be suspended or reduced by the
51 court or the Department of Corrections.

52 (3) Whenever it appears that an offender has failed to
53 comply with the duty to register, reregister or submit to
54 electronic monitoring, the department shall promptly notify the
55 sheriff of the county of the last-known address of the offender as
56 well as the sheriff of the county of the last-known location of
57 the offender, if different. Upon notification, the sheriff shall
58 attempt to locate the offender at his last-known address or
59 last-known location.

60 (a) If the sheriff locates the offender, he shall
61 enforce the provisions of this chapter, including initiation of
62 prosecution if appropriate. The sheriff shall then notify the
63 department with the current information regarding the offender.

64 (b) If the sheriff is unable to locate the offender,
65 the sheriff shall promptly notify the department and initiate a
66 criminal prosecution against the offender for the failure to
67 register, reregister or comply with electronic monitoring. The



68 sheriff shall make the appropriate transactions into the Federal
69 Bureau of Investigation's wanted-person database and issue a
70 warrant for the offender's arrest. The department shall notify
71 the United States Marshals Service of the offender's noncompliant
72 status and shall update the registry database and website to show
73 the defendant's noncompliant status as an absconder.

74 (4) A violation of this chapter shall result in the arrest
75 of the offender.

76 (5) Any prosecution for a violation of this section shall be
77 brought by a prosecutor in the county of the violation.

78 (6) A person required to register under this chapter who
79 commits any act or omission in violation of this chapter may be
80 prosecuted for the act or omission in the county in which the act
81 or omission was committed, the county of the last registered
82 address of the sex offender, the county in which the conviction
83 occurred for the offense or offenses that meet the criteria
84 requiring the person to register, the county in which he was
85 designated a sex offender, or the county in which the sex offender
86 was found.

87 (7) The Commissioner of Public Safety or his authorized
88 agent shall suspend the driver's license or driving privilege of
89 any offender failing to comply with the duty to report, register
90 or reregister, submit to monitoring, or who has provided false
91 information.



92 (8) When a person required to register under this chapter is
93 accused of any registration offense under this section, pretrial
94 release on bond shall be conditioned on the offender's submission
95 to electronic monitoring under the program established under
96 Section 45-33-45.

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

