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To: Judiciary B

## HOUSE BILL NO. 1340

1 AN ACT TO CREATE SECTION 45-33-32, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE SEX OFFENDERS WHO VOLUNTEER WITH VOLUNTEER  
3 ORGANIZATIONS WHO HAVE CONTACT WITH MINORS TO DISCLOSE SUCH SEX  
4 OFFENDER INFORMATION TO THE ORGANIZATION; TO AMEND SECTIONS  
5 45-33-33, 45-33-35 AND 45-33-41, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section  
9 45-33-32, Mississippi Code of 1972:

10 43-33-32. (1) A person convicted of a sex offense against a  
11 minor, who volunteers for an organization in which volunteers have  
12 direct, private and unsupervised contact with minors, shall notify  
13 the organization of their conviction at the time of volunteering.  
14 Such notification must be in writing to the organization.

15 (2) If the organization, after notification by the sex  
16 offender, accepts the offender as a volunteer, the organization  
17 must notify the parents or guardians of any minors involved in the  
18 organization of the sex offender's criminal record.

19 (3) This act applies to all registered sex offenders of a  
20 minor regardless of the date of conviction.

21 (4) Previously registered sex offenders convicted of an  
22 offense against a minor shall be notified of their duty under this  
23 section with the first reregistration form to be sent to them  
24 after July 1, 2004.

25 (5) If the registered sex offender of a minor is currently  
26 volunteering for such an organization, they must resign or notify  
27 the organization within ten (10) days of receipt of notice or be  
28 subject to the penalties of this chapter.

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

31           45-33-33. (1) The failure of an offender to provide any  
32 registration or other information, including, but not limited to,  
33 initial registration, reregistration or change of address  
34 information, or required notification of a volunteer organization,  
35 as required by this chapter, is a violation of the law.

36 Additionally, forgery of information or submission of information  
37 under false pretenses is also a violation of the law.

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

43           (3) Whenever it appears that an offender has failed to  
44 comply with the duty to register or reregister, the department  
45 shall promptly notify the sheriff of the county of the last known  
46 address of the offender. Upon notification, the sheriff shall  
47 attempt to locate the offender at his last known address.

48           (a) If the sheriff locates the offender he shall  
49 enforce the provisions of this chapter. The sheriff shall then  
50 notify the department with the current information regarding the  
51 offender.

52           (b) If the sheriff is unable to locate the offender,  
53 the sheriff shall promptly notify the department and initiate a  
54 criminal prosecution against the offender for the failure to  
55 register or reregister. The sheriff shall make the appropriate  
56 transactions into the Federal Bureau of Investigation's  
57 wanted-person database.

58           (4) A first violation of this chapter may result in the  
59 arrest of the offender. Upon any second or subsequent violation  
60 of this chapter, the offender shall be arrested for such  
61 violation.

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

64 **SECTION 3.** Section 45-33-35, Mississippi Code of 1972, is  
65 amended as follows:

66 45-33-35. (1) The Mississippi Department of Public Safety  
67 shall maintain a central registry of sex offender information as  
68 defined in Section 45-33-25 and shall adopt rules and regulations  
69 necessary to carry out this section. The responsible agencies  
70 shall provide the information required in Section 45-33-25 on a  
71 form developed by the department to ensure accurate information is  
72 maintained.

73 (2) Upon conviction, adjudication or acquittal by reason of  
74 insanity of any sex offender, if the sex offender is not  
75 immediately confined or not sentenced to a term of imprisonment,  
76 the clerk of the court which convicted and sentenced the sex  
77 offender shall inform the person of the duty to register and shall  
78 perform the registration duties as described in Section 45-33-23  
79 and forward the information to the department.

80 (3) Upon release from prison, placement on parole or  
81 supervised release, the Department of Corrections shall inform the  
82 person of the duty to register and shall perform the registration  
83 duties as described in Section 45-33-23 and forward the  
84 information to the Department of Public Safety.

85 (4) Upon release from confinement in a mental institution  
86 following an acquittal by reason of insanity, the director of the  
87 facility shall inform the offender of the duty to register and  
88 shall notify the Department of Public Safety of the offender's  
89 release.

90 (5) Upon release from a youthful offender facility, the  
91 director of the facility shall inform the person of the duty to  
92 register and shall perform the registration duties as described in  
93 Section 45-33-23 and forward the information to the Department of  
94 Public Safety.

95 (6) In addition to performing the registration duties, the  
96 responsible agency shall:

97 (a) Inform the person having a duty to register that:

98 (i) The person shall report in writing any change  
99 of address to the department ten (10) days before changing  
100 address.

101 (ii) Any change of address to another state shall  
102 be reported to the department in writing no less than ten (10)  
103 days before the change of address. The offender shall comply with  
104 any registration requirement in the new state.

105 (iii) The person must register in any state where  
106 the person is employed, carries on a vocation, is stationed in the  
107 military or is a student.

108 (iv) All address verifications must be returned to  
109 the department within the required time period.

110 (v) Any change in status of a registrant's  
111 enrollment, employment or vocation at any institution of higher  
112 learning shall be reported to the department in writing within ten  
113 (10) days of the change.

114 (vi) If the person has been convicted of a sexual  
115 offense against a minor, the person shall notify any organization  
116 for which the person volunteers in which volunteers have direct,  
117 private or unsupervised contact with minors that the person has  
118 been convicted of a sexual offense against a minor.

119 (b) Require the person to read and sign a form stating  
120 that the duty of the person to register under this chapter has  
121 been explained.

122 (c) Obtain or facilitate the obtaining of a biological  
123 sample from every registrant as required by this chapter if such  
124 biological sample has not already been provided to the Mississippi  
125 Crime Lab.

126 **SECTION 4.** Section 45-33-41, Mississippi Code of 1972, is  
127 amended as follows:

128           45-33-41. (1) The Department of Corrections or any person  
129 having charge of a county or municipal jail or any juvenile  
130 detention facility shall provide written notification to an inmate  
131 or offender in the custody of the jail or other facility due to a  
132 conviction of or adjudication for a sex offense of the  
133 registration requirements of Sections 45-33-25, 45-33-31 and  
134 45-33-32 at the time of the inmate's or offender's confinement and  
135 release from confinement and shall receive a signed acknowledgment  
136 of receipt on both occasions.

137           (2) At least ten (10) days prior to the inmate's release  
138 from confinement, the Department of Corrections shall notify the  
139 victim of the offense or a designee of the immediate family of the  
140 victim regarding the date when the offender's release shall occur,  
141 provided a current address of the victim or designated family  
142 member has been furnished in writing to the Director of Records  
143 for such purpose.

144           **SECTION 5.** This act shall take effect and be in force from  
145 and after July 1, 2004.