

AM #1

to 2527

PROPOSED HOUSE AMENDMENT TO SENATE BILL NO.

BY Mary

AM #1

Delete lines 18-42 and insert in lieu of the following

SECTION 1. The following shall be codified as Section 99-19-84, Mississippi Code of 1972:

99-19-84. (1) Any person who has, before the passage of this act, committed a sex offense or attempted sex offense as defined in Section 45-33-23 and is convicted thereof may be placed on electronic monitoring upon release from incarceration for the entire length of his or her parole, probation, post-release supervision, or other form of supervision by the Department of Corrections.

(2) Any person who commits a sex offense or attempted sex offense as defined in Section 45-33-23 on or after the effective date of this act and is convicted thereof may be placed on electronic monitoring upon release from incarceration for the entire length of his or her probation, post-release supervision, or other form of supervision by the Department of Corrections.

(3) Any person convicted on or after January 1, 2000, of receiving pornography through the Internet and whose sentence included house arrest followed by probation with no incarceration in a state or federal prison shall be required to report as a sexual offender to the proper authorities for a period not to exceed the terms of such house arrest and probation. This subsection shall apply only to first-time offenders.

(4) Any person who commits a sex offense or attempted sex offense as defined in Section 45-33-23 on or after the effective date of this act and is convicted thereof, and the unlawful activity involved a victim who was under sixteen (16) years of age and the offender was eighteen (18) years of age or older shall be placed on electronic monitoring for a period to be determined by the sentencing court at the time of sentencing, or at the time of probation, or by the parole board if electronic monitoring conditions were not mandated during sentencing.

(5) Any person who is placed on electronic monitoring, as prescribed in this section, will be subject to random drug testing to detect the presence of sexual enhancement drugs. Such random testing shall occur for the entire duration that the offender is on electronic monitoring. The offender shall pay the costs of the testing and such testing shall be administered by the department.

(6) Any person convicted of a misdemeanor in another state but does not classify as a reportable sex offense in that state shall not be considered as a sex offender in this state based on the conviction of the foreign state.

SECTION 2. The following shall be codified as Section 47-5-1017, Mississippi Code of 1972:

47-5-1017. The Department of Corrections is authorized to electronically monitor an offender sentenced pursuant to Section 99-19-84. The department, when electronically monitoring a sex offender, must use a system that monitors and identifies the offender's location and timely reports or records the offender's presence near or within prohibited areas or the offender's departure from specified geographic limitations. The department shall promulgate rules that prescribe reasonable guidelines under which electronic monitoring shall be carried out pursuant to Section 99-19-84.

SECTION 3. The following shall be codified as Section 47-5-1019, Mississippi Code of 1972:

47-5-1019. A person who intentionally alters, tampers with, damages or destroys any electronic monitoring equipment utilized pursuant to Section 99-19-84, unless the person is the owner of the equipment or an agent of the owner performing ordinary maintenance and repairs, commits a felony punishable by imprisonment not to exceed five (5) years in the custody of the Department of Corrections.

SECTION 4. The following shall be codified as Section 47-5-1020, Mississippi Code of 1972:

47-5-1020. Sex offenders who are electronically monitored by the department, pursuant to Section 99-19-84, shall pay fees as directed by the department. Program fees shall not be less than Seventy-five Dollars (\$75.00) per month except in cases of extreme financial hardship as determined by the department.

SECTION 5. It shall be unlawful to knowingly house a person convicted of a sex ~~crime~~ ^{not} in any home where children are present and where such arrangement has been approved by the sheriff of the county. Any person who violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction, be fined One Thousand Dollars (\$1,000.00) and shall forfeit any TANF benefits for three (3) months. The Department of Human Services shall determine whether any children affected by violation of this section shall be placed in another home or in foster care.

With the exception of Section 1 paragraph 3
SECTION 6. Sections 1 through 4 of this act shall take effect and be in force from and after July 1, 2007. *Section 1 paragraph 3 shall become effective upon passage. Section 5 shall become effective July 1, 2006*

Renumber sections accordingly

Conform Title