

By: Representatives Mims, Lott

To: Judiciary B

HOUSE BILL NO. 371

1 AN ACT TO AMEND SECTIONS 45-33-25, 45-33-27, 45-33-29 AND
2 45-33-33, MISSISSIPPI CODE OF 1972, TO ASSESS A FEE FROM
3 REGISTERED SEX OFFENDERS TO PROVIDE PUBLIC NOTIFICATION TO THE
4 PUBLIC REGARDING THE PRESENCE OF SUCH OFFENDERS; TO PROVIDE THAT
5 THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES AND
6 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; AND
7 FOR RELATED PURPOSES.

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

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

11 45-33-25. (1) (a) Any person residing in this state who
12 has been convicted of any sex offense or attempted sex offense or
13 who has been acquitted by reason of insanity for any sex offense
14 or attempted sex offense or twice adjudicated delinquent for any
15 sex offense or attempted sex offense shall register with the
16 Mississippi Department of Public Safety. Registration shall not
17 be required for an offense that is not a registrable sex offense.
18 The department shall provide the initial registration information
19 as well as every change of address to the sheriff of the county of
20 the residence address of the registrant through either written
21 notice, electronic or telephone transmissions, or online access to
22 registration information. Further, the department shall provide
23 this information to the Federal Bureau of Investigation.
24 Additionally, upon notification by the registrant that he intends
25 to reside outside the State of Mississippi, the department shall
26 notify the appropriate state law enforcement agency of any state
27 to which a registrant is moving or has moved.

28 (b) The department shall require registered sex
29 offenders to pay a fee in an amount determined by the department

30 which shall be used to provide notification to the public of the
31 presence of the sex offender. The notification shall be in a
32 newspaper of general circulation in the area where the registered
33 sex offender resides and shall provide the name, address, offense
34 for which the offender was convicted and the date of the
35 offender's release. The department shall promulgate rules and
36 regulations necessary to carry out the provisions of this
37 paragraph.

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

40 (a) Name, including a former name which has been
41 legally changed;

42 (b) Street address;

43 (c) Place of employment;

44 (d) Crime for which convicted;

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

47 (f) Aliases used;

48 (g) Social security number;

49 (h) Date and place of birth;

50 (i) Age, race, sex, height, weight, and hair and eye
51 colors;

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

54 (k) Identifying factors;

55 (l) Anticipated future residence;

56 (m) Offense history;

57 (n) Photograph;

58 (o) Fingerprints;

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

61 (q) Biological sample;

62 (r) Name of any institution of higher learning at which
63 the offender is employed, carries on a vocation (with or without
64 compensation) or is enrolled as a student; and

65 (s) Any other information deemed necessary.

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

70 **SECTION 2.** Section 45-33-27, Mississippi Code of 1972, is
71 amended as follows:

72 45-33-27. (1) A person required to register on the basis of
73 a conviction, adjudication of delinquency or acquittal by reason
74 of insanity entered shall register by appearing in person at a
75 Department of Public Safety Driver's License Station within three
76 (3) days of the date of judgment unless the person is immediately
77 confined or committed, in which case the person shall register
78 when released in accordance with the procedures established by the
79 department.

80 (2) If a person who is required to register under this
81 section is released from prison or placed on parole or supervised
82 release, the Department of Corrections shall perform the
83 registration duties at the time of release and forward the
84 registration information to the Department of Public Safety within
85 ten (10) days. The person is also required to personally appear
86 at a Department of Public Safety Driver's License Station within
87 ten (10) days of release.

88 (3) If a person required to register under this section is
89 placed on probation, the court, at the time of entering the order,
90 shall inform the person of the duty to register, obtain the
91 registration information and forward the registration information
92 to the Department of Public Safety within ten (10) days. The
93 person is also required to personally appear at a Department of

94 Public Safety Driver's License Station within ten (10) days of the
95 entry of the order.

96 (4) Any person required to register who is neither
97 incarcerated, detained nor committed at the time the requirement
98 to register shall attach shall present himself to the county
99 sheriff who shall perform the registration duties and forward the
100 registration information to the Department of Public Safety within
101 ten (10) days. The person is also required to personally appear
102 at a Department of Public Safety Driver's License Station within
103 ten (10) days of the time the requirement to register attaches.

104 (5) An offender moving to or returning to this state from
105 another jurisdiction shall notify the Department of Public Safety
106 ten (10) days before the person first resides in or returns to a
107 county in this state and shall register with the department within
108 ten (10) days of first residing in or returning to a county of
109 this state. The offender must then present himself to the sheriff
110 of the county in which he intends to reside to provide the
111 required registration information. The person is also required to
112 personally appear at a Department of Public Safety Driver's
113 License Station within ten (10) days of first residing in or
114 moving to a county of this state.

115 (6) A person, other than a person confined in a correctional
116 or juvenile detention facility or involuntarily committed on the
117 basis of mental illness, who is required to register on the basis
118 of a sex offense for which a conviction, adjudication of
119 delinquency or acquittal by reason of insanity was entered prior
120 to July 1, 1995, shall register with the sheriff of the county in
121 which he resides no later than August 15, 2000.

122 (7) Every person required to register shall show proof of
123 domicile in this state. The commissioner shall promulgate any
124 rules and regulations necessary to enforce this requirement and
125 shall prescribe the means by which such person may show domicile
126 in this state.

127 (8) Any driver's license photograph, I.D. photograph, sex
128 offender photograph, finger print, driver's license application
129 and/or anything submitted to the Department of Public Safety by a
130 known convicted sex offender, registered or not registered, can be
131 used by the Department of Public Safety or any other authorized
132 law enforcement agency for any means necessary in registration,
133 identification, investigation regarding their tracking or
134 identification.

135 (9) Every person required to register shall comply with the
136 provisions of Section 45-33-25(1)(b).

137 **SECTION 3.** Section 45-33-29, Mississippi Code of 1972, is
138 amended as follows:

139 45-33-29. (1) Upon any change of address, an offender
140 required to register under this chapter is required to personally
141 appear at a Department of Public Safety Driver's License Station
142 not less than ten (10) days before he intends to first reside at
143 the new address.

144 (2) Upon any change in the status of a registrant's
145 employment or vocation at any institution of higher learning, the
146 offender is required to personally appear at a Department of
147 Public Safety Driver's License Station within ten (10) days of the
148 change.

149 (3) Upon any change of address, the registrant shall comply
150 with the provisions of Section 45-33-25(1)(b).

151 **SECTION 4.** Section 45-33-33, Mississippi Code of 1972, is
152 amended as follows:

153 45-33-33. (1) The failure of an offender to personally
154 appear at a Department of Public Safety Driver's License Station
155 or to provide any registration or other information including, but
156 not limited to, initial registration, reregistration or change of
157 address information, or required notification to a volunteer
158 organization, or pay the fee provided in Section 45-33-25(1)(b),
159 as required by this chapter, is a violation of the law.

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

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

167 (3) Whenever it appears that an offender has failed to
168 comply with the duty to register or reregister, the department
169 shall promptly notify the sheriff of the county of the last known
170 address of the offender. Upon notification, the sheriff shall
171 attempt to locate the offender at his last known address.

172 (a) If the sheriff locates the offender, he shall
173 enforce the provisions of this chapter. The sheriff shall then
174 notify the department with the current information regarding the
175 offender.

176 (b) If the sheriff is unable to locate the offender,
177 the sheriff shall promptly notify the department and initiate a
178 criminal prosecution against the offender for the failure to
179 register or reregister. The sheriff shall make the appropriate
180 transactions into the Federal Bureau of Investigation's
181 wanted-person database.

182 (4) A first violation of this chapter may result in the
183 arrest of the offender. Upon any second or subsequent violation
184 of this chapter, the offender shall be arrested for such
185 violation.

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

188 (6) The Commissioner of Public Safety or his authorized
189 agent shall suspend the driver's license of any offender failing
190 to comply with the duty to report, register or reregister.

191 **SECTION 5.** This act shall take effect and be in force from
192 and after its passage.