

By: Representatives Lott, Carlton, Moore,
Staples

To: Judiciary B

HOUSE BILL NO. 1078

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; TO
7 PROHIBIT SEX OFFENDERS FROM ESTABLISHING RESIDENCY NEAR SCHOOLS,
8 DAY CARE CENTERS, PARKS OR CERTAIN OTHER AREAS; AND FOR RELATED
9 PURPOSES.

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

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

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

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

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

42 (a) Name, including a former name which has been
43 legally changed;

44 (b) Street address;

45 (c) Place of employment;

46 (d) Crime for which convicted;

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

49 (f) Aliases used;

50 (g) Social security number;

51 (h) Date and place of birth;

52 (i) Age, race, sex, height, weight, and hair and eye
53 colors;

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

56 (k) Identifying factors;

57 (l) Anticipated future residence;

58 (m) Offense history;

59 (n) Photograph;

60 (o) Fingerprints;

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

63 (q) Biological sample;

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

67 (s) Any other information deemed necessary.

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

72 (4) Any person required to register under this chapter shall
73 not establish a permanent or temporary residence in this state
74 within one thousand five hundred (1500) feet of any school, school
75 property, day care center, park or other area where children may
76 be present. Failure to comply with the provisions of this
77 subsection shall be a violation of this chapter.

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

80 45-33-27. (1) A person required to register on the basis of
81 a conviction, adjudication of delinquency or acquittal by reason
82 of insanity entered shall register by appearing in person at a
83 Department of Public Safety Driver's License Station within three
84 (3) days of the date of judgment unless the person is immediately
85 confined or committed, in which case the person shall register
86 when released in accordance with the procedures established by the
87 department.

88 (2) If a person who is required to register under this
89 section is released from prison or placed on parole or supervised
90 release, the Department of Corrections shall perform the
91 registration duties at the time of release and forward the
92 registration information to the Department of Public Safety within
93 ten (10) days. The person is also required to personally appear
94 at a Department of Public Safety Driver's License Station within
95 ten (10) days of release.

96 (3) If a person required to register under this section is
97 placed on probation, the court, at the time of entering the order,
98 shall inform the person of the duty to register, obtain the
99 registration information and forward the registration information
100 to the Department of Public Safety within ten (10) days. The
101 person is also required to personally appear at a Department of
102 Public Safety Driver's License Station within ten (10) days of the
103 entry of the order.

104 (4) Any person required to register who is neither
105 incarcerated, detained nor committed at the time the requirement
106 to register shall attach shall present himself to the county
107 sheriff who shall perform the registration duties and forward the
108 registration information to the Department of Public Safety within
109 ten (10) days. The person is also required to personally appear
110 at a Department of Public Safety Driver's License Station within
111 ten (10) days of the time the requirement to register attaches.

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

123 (6) A person, other than a person confined in a correctional
124 or juvenile detention facility or involuntarily committed on the
125 basis of mental illness, who is required to register on the basis
126 of a sex offense for which a conviction, adjudication of
127 delinquency or acquittal by reason of insanity was entered prior

128 to July 1, 1995, shall register with the sheriff of the county in
129 which he resides no later than August 15, 2000.

130 (7) Every person required to register shall show proof of
131 domicile in this state. The commissioner shall promulgate any
132 rules and regulations necessary to enforce this requirement and
133 shall prescribe the means by which such person may show domicile
134 in this state.

135 (8) Any driver's license photograph, I.D. photograph, sex
136 offender photograph, finger print, driver's license application
137 and/or anything submitted to the Department of Public Safety by a
138 known convicted sex offender, registered or not registered, can be
139 used by the Department of Public Safety or any other authorized
140 law enforcement agency for any means necessary in registration,
141 identification, investigation regarding their tracking or
142 identification.

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

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

147 45-33-29. (1) Upon any change of address, an offender
148 required to register under this chapter is required to personally
149 appear at a Department of Public Safety Driver's License Station
150 not less than ten (10) days before he intends to first reside at
151 the new address.

152 (2) Upon any change in the status of a registrant's
153 employment or vocation at any institution of higher learning, the
154 offender is required to personally appear at a Department of
155 Public Safety Driver's License Station within ten (10) days of the
156 change.

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

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

161 45-33-33. (1) The failure of an offender to personally
162 appear at a Department of Public Safety Driver's License Station
163 or to provide any registration or other information including, but
164 not limited to, initial registration, reregistration or change of
165 address information, or required notification to a volunteer
166 organization, or pay the fee provided in Section 45-33-25(1)(b),
167 as required by this chapter, is a violation of the law.
168 Additionally, forgery of information or submission of information
169 under false pretenses is also a violation of the law.

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

175 (3) Whenever it appears that an offender has failed to
176 comply with the duty to register or reregister, the department
177 shall promptly notify the sheriff of the county of the last known
178 address of the offender. Upon notification, the sheriff shall
179 attempt to locate the offender at his last known address.

180 (a) If the sheriff locates the offender, he shall
181 enforce the provisions of this chapter. The sheriff shall then
182 notify the department with the current information regarding the
183 offender.

184 (b) If the sheriff is unable to locate the offender,
185 the sheriff shall promptly notify the department and initiate a
186 criminal prosecution against the offender for the failure to
187 register or reregister. The sheriff shall make the appropriate
188 transactions into the Federal Bureau of Investigation's
189 wanted-person database.

190 (4) A first violation of this chapter may result in the
191 arrest of the offender. Upon any second or subsequent violation
192 of this chapter, the offender shall be arrested for such
193 violation.

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

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

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