

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2862

1 AN ACT TO AMEND SECTIONS 45-33-25, 45-35-3 AND 63-1-35,
 2 MISSISSIPPI CODE OF 1972, TO REQUIRE SEX OFFENDERS LICENSED TO
 3 DRIVE IN THIS STATE TO OBTAIN A NEW DRIVER'S LICENSE OR PERMIT
 4 THAT IDENTIFIES THE INDIVIDUAL AS A SEX OFFENDER; TO AMEND SECTION
 5 45-33-47, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A SEX
 6 OFFENDER'S NAME CAN BE REMOVED FROM THE SEX OFFENDER REGISTRY; 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) Any person residing in this state who has
 12 been convicted of any sex offense or attempted sex offense or who
 13 has been acquitted by reason of insanity for any sex offense or
 14 attempted sex offense or twice adjudicated delinquent for any sex
 15 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 (2) Any person required to register under this chapter shall
 29 submit the following information at the time of registration:

- 30 (a) Name, including a former name which has been
31 legally changed;
- 32 (b) Street address;
- 33 (c) Place of employment;
- 34 (d) Crime for which convicted;
- 35 (e) Date and place of conviction, adjudication or
36 acquittal by reason of insanity;
- 37 (f) Aliases used;
- 38 (g) Social security number;
- 39 (h) Date and place of birth;
- 40 (i) Age, race, sex, height, weight, and hair and eye
41 colors;
- 42 (j) A brief description of the offense or offenses for
43 which the registration is required;
- 44 (k) Identifying factors;
- 45 (l) Anticipated future residence;
- 46 (m) Offense history;
- 47 (n) Photograph;
- 48 (o) Fingerprints;
- 49 (p) Documentation of any treatment received for any
50 mental abnormality or personality disorder of the person;
- 51 (q) Biological sample;
- 52 (r) Name of any institution of higher learning at which
53 the offender is employed, carries on a vocation (with or without
54 compensation) or is enrolled as a student; and
- 55 (s) Any other information deemed necessary.

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

60 (4) Any person required to register under this chapter who
61 holds or applies for a driver's license, commercial driver's
62 license, intermediate license, temporary driving permit or state

63 identification card shall at the time of registering as a sex
64 offender obtain a replacement license, permit or identification
65 card, if eligible, that denotes that the individual is a
66 registered sex offender.

67 **SECTION 2.** Section 45-33-47, Mississippi Code of 1972, is
68 amended as follows:

69 45-33-47. (1) A sex offender with a duty to register under
70 Section 45-33-25 shall only be relieved of the duty under
71 subsection (2) of this section.

72 (2) A person having a duty to register under Section
73 45-33-25 may petition the circuit court of the sentencing
74 jurisdiction to be relieved of that duty under the following
75 conditions:

76 (a) The offender has maintained his registration in
77 Mississippi for not less than ten (10) years from the most recent
78 date of occurrence of at least one (1) of the following: release
79 from prison, placement on parole, supervised release or probation.
80 Incarceration for any offense will restart the ten-year minimum
81 registration requirement. Registration in any other jurisdiction
82 or state does not reduce the ten-year time requirement for
83 maintaining registration in Mississippi.

84 (b) If the offender has been convicted of one (1) of
85 the following offenses, the offender is subject to lifetime
86 registration and shall not be relieved of the duty to register:

87 (i) Section 97-3-65 relating to rape;

88 (ii) Section 97-3-71 relating to rape and assault
89 with intent to ravish;

90 (iii) Section 97-3-95 relating to sexual battery;

91 (iv) Subsection (1) or (2) of Section 97-5-33
92 relating to the exploitation of children;

93 (v) Section 97-5-41 relating to the carnal
94 knowledge of a stepchild, adopted child or child of a cohabiting
95 partner; or

96 (vi) Any conviction for violation of a similar law
97 of another jurisdiction.

98 (c) An offender who has two (2) separate convictions
99 for any of the offenses described in Section 45-33-23 is subject
100 to lifetime registration and shall not be eligible to petition to
101 be relieved of the duty to register as long as at least one (1) of
102 the convictions was entered on or after July 1, 1995.

103 (d) An offender who resides in Mississippi and who has
104 been designated a sexual predator, a sexually violent predator or
105 a similar designation in another state, is subject to lifetime
106 registration and shall not be eligible to petition to be relieved
107 of the duty to register.

108 (e) An offender twice adjudicated delinquent in a youth
109 court for the crime of rape pursuant to Section 96-3-65 or sexual
110 battery pursuant to Section 97-3-95 is subject to lifetime
111 registration and shall not be eligible to petition to be relieved
112 of the duty to register.

113 (f) The department shall continue to list on the
114 registry the name and registration information of all registrants
115 who no longer work, reside or attend school in this state even
116 after the registrant moves to another jurisdiction and registers
117 in the new jurisdiction as required by law. The registry shall
118 note that the registrant has moved out of state.

119 (3) In determining whether to release an offender from the
120 obligation to register, the court shall consider the nature of the
121 registrable offense committed and the criminal and relevant
122 noncriminal behavior of the petitioner both before and after
123 conviction. The court may relieve the offender of the duty to
124 register only if the petitioner shows, by clear and convincing
125 evidence, that the registrant properly maintained his registration
126 as required by law and that future registration of the petitioner
127 will not serve the purposes of this chapter.

128 (4) The offender will be required to continue registration
129 for any sex offense conviction unless the conviction is set aside
130 in any post-conviction proceeding or the offender receives a
131 pardon * * *. Upon submission of the appropriate documentation to
132 the department of one (1) of these occurrences, registration
133 duties will be discontinued.

134 **SECTION 3.** Section 45-35-3, Mississippi Code of 1972, is
135 amended as follows:

136 45-35-3. (1) Any person six (6) years of age or older may
137 be issued an identification card by the department which is
138 certified by the registrant and attested by the commissioner as to
139 true name, correct age and such other identifying data as required
140 by Section 45-35-5.

141 (2) The new or renewal identification card of a person
142 required to register as a sex offender pursuant to Section 45-33-2
143 shall bear a designation identifying the card holder as a sex
144 offender.

145 **SECTION 4.** Section 63-1-35, Mississippi Code of 1972, is
146 amended as follows:

147 63-1-35. (1) The Commissioner of Public Safety shall
148 prescribe the form of licenses issued pursuant to this article
149 which shall, among other features, include a driver's license
150 number assigned by the Department of Public Safety which, at the
151 option of the licensee, may or may not be the social security
152 number of the licensee. A licensee who chooses not to use his
153 social security number as his driver's license number, except as
154 otherwise provided under subsection (2) of this section, shall
155 list his social security number with the department which shall
156 cross reference the social security number with the driver's
157 license number for purposes of identification. Additionally, each
158 license shall bear a full face color photograph of the licensee in
159 such form that the license and the photograph cannot be separated.
160 Such photograph shall be taken so that one (1) exposure will

161 photograph the applicant and the application simultaneously on the
162 same film. The department shall use a process in the issuance of
163 a license with a color photograph which shall prevent as nearly as
164 possible any alteration, counterfeiting, duplication,
165 reproduction, forging or modification of such license or the
166 superimposition of a photograph without ready detection. Such
167 photograph shall be replaced by the department at the time of
168 renewal. Driver licenses, including photographs appearing
169 thereon, may be renewed by electronic means according to rules and
170 regulations promulgated by the commissioner. The Department of
171 Public Safety may accept bank credit cards and debit cards in
172 payment of fees for driver license renewals that are processed by
173 electronic means and, if authorized by general law, may charge an
174 additional fee for the use of such cards.

175 (2) The commissioner shall prescribe the form of licenses
176 issued pursuant to this article to licensees who are not United
177 States citizens and who do not possess a social security number
178 issued by the United States government. The licenses of such
179 persons shall include a number and/or other identifying features.

180 (3) Any new or renewal driver's license, temporary driving
181 permit, intermediate license or commercial driver's license issued
182 to a person required to register as a sex offender pursuant to
183 Section 45-33-2 shall bear a designation identifying the licensee
184 or permittee as a sex offender.

185 **SECTION 5.** This act shall take effect and be in force from
186 and after July 1, 2006.