

By: Senator(s) Albritton

To: Judiciary, Division B

## SENATE BILL NO. 2484

1 AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CONFORM  
 2 TO THE PROVISIONS OF THE FEDERAL ADAM WALSH ACT; TO AMEND SECTION  
 3 45-33-23, MISSISSIPPI CODE OF 1972, TO INCLUDE A CONVICTION IN A  
 4 FOREIGN COUNTRY AS A REGISTRABLE SEX OFFENSE; TO AMEND SECTION  
 5 45-33-25, MISSISSIPPI CODE OF 1972, TO CLARIFY REPORTING OF  
 6 RESIDENCY, TO REQUIRE SUBMISSION OF PALM PRINTS IN ADDITION TO  
 7 FINGERPRINTS, AND TO REQUIRE REGISTRATION UPON A SINGLE  
 8 ADJUDICATION OF DELINQUENCY FOR A SEX OFFENSE; TO AMEND SECTION  
 9 45-33-27, MISSISSIPPI CODE OF 1972, TO REVISE WHEN THE DUTY TO  
 10 REGISTER SHALL ATTACH; TO AMEND SECTION 45-33-29, MISSISSIPPI CODE  
 11 OF 1972, TO INCLUDE CHANGE OF NAME AS A REPORTABLE EVENT; TO AMEND  
 12 SECTION 45-33-31, MISSISSIPPI CODE OF 1972, TO REQUIRE A CURRENT  
 13 PHOTOGRAPH ON EVERY REREGISTRATION; TO AMEND SECTIONS 45-33-33,  
 14 45-33-34, 45-33-35, 45-33-41 AND 45-33-43, MISSISSIPPI CODE OF  
 15 1972, TO CONFORM; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF  
 16 1972, TO INCLUDE KIDNAPPING OF A CHILD UNDER THE AGE OF 18 AS A  
 17 REGISTRABLE OFFENSE AND TO REVISE RELIEF FROM THE DUTY TO REGISTER  
 18 FOR THOSE CONVICTED AFTER THE EFFECTIVE DATE OF THIS ACT; TO AMEND  
 19 SECTION 45-33-49, MISSISSIPPI CODE OF 1972, TO REVISE WEB SITE  
 20 REQUIREMENTS; TO AMEND SECTION 45-33-51, MISSISSIPPI CODE OF 1972,  
 21 TO REVISE THE OFFENSE OF MISUSE OR ALTERATION OF SEX OFFENDER  
 22 REGISTRATION INFORMATION; TO AMEND SECTIONS 45-35-3 AND 63-1-35,  
 23 MISSISSIPPI CODE OF 1972, TO REQUIRE SEX OFFENDERS TO OBTAIN A NEW  
 24 DRIVER'S LICENSE, PERMIT OR NONDRIVER'S IDENTIFICATION CARD THAT  
 25 IDENTIFIES THE INDIVIDUAL AS A SEX OFFENDER; TO PROVIDE FOR  
 26 COMMUNITY NOTIFICATION; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** Section 45-33-23, Mississippi Code of 1972, is  
 29 amended as follows:

30 45-33-23. For the purposes of this chapter, the following  
 31 words shall have the meanings ascribed herein unless the context  
 32 clearly requires otherwise:

33 (a) "Conviction" shall mean that, regarding the  
 34 person's offense, there has been a determination or judgment of  
 35 guilt as a result of a trial or the entry of a plea of guilty or  
 36 nolo contendere regardless of whether adjudication is withheld.  
 37 "Conviction of similar offenses" includes, but is not limited to,  
 38 a conviction by a federal or military tribunal, including a court  
 39 martial conducted by the Armed Forces of the United States, a

40 conviction for an offense committed on an Indian Reservation or  
41 other federal property, \* \* \* a conviction in any state of the  
42 United States and a conviction in a foreign country.

43 (b) "Jurisdiction" shall mean any state court, federal  
44 court, military court, Indian tribunal or foreign court.

45 (c) "Permanent residence" is defined as a place where  
46 the person abides, lodges, or resides for a period of fourteen  
47 (14) or more consecutive days.

48 (d) "Registration" means providing information to the  
49 appropriate agency within the time frame specified as required by  
50 this chapter.

51 (e) "Registration duties" means obtaining the  
52 registration information required on the form specified by the  
53 department as well as the photograph, fingerprints and biological  
54 sample of the registrant. Biological samples are to be forwarded  
55 to the State Crime Laboratory pursuant to Section 45-33-37; the  
56 photograph, fingerprints and other registration information are to  
57 be forwarded to the Department of Public Safety immediately.

58 (f) "Responsible agency" is defined as the person or  
59 government entity whose duty it is to obtain information from a  
60 criminal sex offender upon conviction and to transmit that  
61 information to the Mississippi Department of Public Safety.

62 (i) For a criminal sex offender being released  
63 from the custody of the Department of Corrections, the responsible  
64 agency is the Department of Corrections.

65 (ii) For a criminal sex offender being released  
66 from a county jail, the responsible agency is the sheriff of that  
67 county.

68 (iii) For a criminal sex offender being released  
69 from a municipal jail, the responsible agency is the police  
70 department of that municipality.

71 (iv) For a sex offender in the custody of youth  
72 court, the responsible agency is the youth court.

73                   (v) For a criminal sex offender who is being  
74 placed on probation, including conditional discharge or  
75 unconditional discharge, without any sentence of incarceration,  
76 the responsible agency is the sentencing court.

77                   (vi) For an offender who has been committed to a  
78 mental institution following an acquittal by reason of insanity,  
79 the responsible agency is the facility from which the offender is  
80 released. Specifically, the director of said facility shall  
81 notify the Department of Public Safety prior to the offender's  
82 release.

83                   (vii) For a criminal sex offender who is being  
84 released from a jurisdiction outside this state or who has a prior  
85 conviction in another state and who is to reside in this state,  
86 the responsible agency is the Department of Public Safety.

87                   (g) "Sex offense" means any of the following offenses:

88                   (i) Section 97-3-53 relating to kidnapping, if the  
89 victim was below the age of eighteen (18);

90                   (ii) Section 97-3-65 relating to rape; however,  
91 conviction or adjudication under Section 97-3-65(1)(a) on or after  
92 July 1, 1998, when the offender was eighteen (18) years of age or  
93 younger at the time of the alleged offense, shall not be a  
94 registrable sex offense;

95                   (iii) Section 97-3-71 relating to rape and assault  
96 with intent to ravish;

97                   (iv) Section 97-3-95 relating to sexual battery;  
98 however, conviction or adjudication under Section 97-3-95(1)(c) on  
99 or after July 1, 1998, when the offender was eighteen (18) years  
100 of age or younger at the time of the alleged offense, shall not be  
101 a registrable sex offense;

102                   (v) Section 97-5-5 relating to enticing child for  
103 concealment, prostitution or marriage;

104 (vi) Section 97-5-23 relating to the touching of a  
105 child, mentally defective or incapacitated person or physically  
106 helpless person for lustful purposes;

107 (vii) Section 97-5-27 relating to the  
108 dissemination of sexually oriented material to children;

109 (viii) Section 97-5-33 relating to the  
110 exploitation of children;

111 (ix) Section 97-5-41 relating to the carnal  
112 knowledge of a stepchild, adopted child or child of a cohabiting  
113 partner;

114 (x) Section 97-29-59 relating to unnatural  
115 intercourse;

116 (xi) Section 97-1-7 relating to attempt to commit  
117 any of the above-referenced offenses;

118 (xii) Section 97-29-3 relating to adultery or  
119 fornication between teacher and pupil;

120 (xiii) Section 43-47-18 relating to sexual abuse  
121 of a vulnerable adult;

122 (xiv) Section 97-3-54.1(1)(c) relating to  
123 procuring sexual servitude of a minor;

124 (xv) Section 97-29-63 relating to filming another  
125 without permission where there is an expectation of privacy;

126 (xvi) Any other offense resulting in a conviction  
127 in another jurisdiction, whether state, federal or military,  
128 which, if committed in this state, would be deemed to be such a  
129 crime without regard to its designation elsewhere;

130 (xvii) Any offense resulting in a conviction in  
131 another jurisdiction, whether state, federal or military, for  
132 which registration is required in the jurisdiction where the  
133 conviction was had.

134 (h) "Temporary residence" is defined as a place where  
135 the person abides, lodges, or resides for a period of fourteen  
136 (14) or more days in the aggregate during any calendar year and

137 which is not the person's permanent address; for a person whose  
138 permanent residence is not in this state, the place where the  
139 person is employed, practices a vocation, or is enrolled as a  
140 student for any period of time in the state; or a place where a  
141 person routinely abides, lodges or resides for a period of four  
142 (4) or more consecutive or nonconsecutive days in any month and  
143 which is not the person's permanent residence.

144 (i) "Department" unless otherwise specified is defined  
145 as the Mississippi Department of Public Safety.

146 **SECTION 2.** Section 45-33-25, Mississippi Code of 1972, is  
147 amended as follows:

148 45-33-25. (1) Any person having a permanent or temporary  
149 residence in this state who has been convicted of any sex offense  
150 or attempted sex offense or who has been acquitted by reason of  
151 insanity for any sex offense or attempted sex offense or \* \* \*  
152 adjudicated delinquent for any sex offense or attempted sex  
153 offense shall register with the Mississippi Department of Public  
154 Safety. Registration shall not be required for an offense that is  
155 not a registrable sex offense or for an offender who is under  
156 fourteen (14) years of age. The department shall provide the  
157 initial registration information as well as every change of  
158 address to the sheriff of the county of the residence address of  
159 the registrant through either written notice, electronic or  
160 telephone transmissions, or online access to registration  
161 information. Further, the department shall provide this  
162 information to the Federal Bureau of Investigation. Additionally,  
163 upon notification by the registrant that he intends to reside  
164 outside the State of Mississippi, the department shall notify the  
165 appropriate state law enforcement agency of any state to which a  
166 registrant is moving or has moved.

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

- 169           (a) Name, including a former name which has been  
170 legally changed;
- 171           (b) Street address of all current permanent \* \* \*  
172 and \* \* \* temporary residences within state or out of state;
- 173           (c) Date, place and address of employment;
- 174           (d) Crime for which convicted;
- 175           (e) Date and place of conviction, adjudication or  
176 acquittal by reason of insanity;
- 177           (f) Aliases used;
- 178           (g) Social security number;
- 179           (h) Date and place of birth;
- 180           (i) Age, race, sex, height, weight, and hair and eye  
181 colors and any other physical description or identifying factors;
- 182           (j) Text of the law defining the offense or offenses  
183 for which the registration is required;
- 184           (k) Driver's license or state identification card  
185 number, which license may be electronically accessed by the  
186 Department of Public Safety;
- 187           (l) Anticipated future residence;
- 188           (m) If the registrant's residence is a motor vehicle,  
189 trailer, mobile home or manufactured home, the registrant shall  
190 also provide vehicle identification number, license tag number,  
191 registration number and a description, including color scheme, of  
192 the motor vehicle, trailer, mobile home or manufactured home; if  
193 the registrant's place of residence is a vessel or houseboat, the  
194 registrant shall also provide the hull identification number,  
195 manufacturer's serial number, name of the vessel or houseboat,  
196 registration number and a description, including color scheme, of  
197 the vessel or houseboat;
- 198           (n) Vehicle make, model, color and license tag number;
- 199           (o) Offense history;
- 200           (p) Photograph;

201           (q) Every on-line identity, screen name or user name  
202 used, registered or created by a registrant;  
203           (r) Fingerprints and palm prints;  
204           (s) Documentation of any treatment received for any  
205 mental abnormality or personality disorder of the person;  
206           (t) Biological sample;  
207           (u) Name of any public or private educational  
208 institution, including any secondary school, trade or professional  
209 institution or institution of higher education at which the  
210 offender is employed, carries on a vocation (with or without  
211 compensation) or is enrolled as a student, and the registrant's  
212 status;  
213           (v) Copy of conviction or sentencing order for the sex  
214 offense for which registration is required; and  
215           (w) Any other information deemed necessary.  
216       (3) For purposes of this chapter, a person is considered to  
217 be residing in this state if he maintains a permanent or temporary  
218 residence as defined in Section 45-33-23, including students,  
219 temporary employees and military personnel on assignment.  
220       (4) (a) A person required to register under this chapter  
221 shall not reside within one thousand five hundred (1,500) feet of  
222 the real property comprising a public or nonpublic elementary or  
223 secondary school or a child care facility.  
224       (b) A person residing within one thousand five hundred  
225 (1,500) feet of the real property comprising a public or nonpublic  
226 elementary or secondary school or a child care facility does not  
227 commit a violation of this subsection if any of the following  
228 apply:  
229           (i) The person is serving a sentence at a jail,  
230 prison, juvenile facility or other correctional institution or  
231 facility.  
232           (ii) The person is subject to an order of  
233 commitment under Title 41, Mississippi Code of 1972.

234 (iii) The person established the subject residence  
235 prior to July 1, 2006, or the school or child care facility is  
236 located within one thousand five hundred (1,500) feet of the  
237 school or child care facility subsequent to the date the person  
238 established residency.

239 (iv) The person is a minor or a ward under a  
240 guardianship.

241 **SECTION 3.** Section 45-33-27, Mississippi Code of 1972, is  
242 amended as follows:

243 45-33-27. (1) A person required to register on the basis of  
244 a conviction, adjudication of delinquency or acquittal by reason  
245 of insanity entered shall register with the responsible agency  
246 within three (3) business days of the date of judgment unless the  
247 person is immediately confined or committed, in which case the  
248 person shall register before release in accordance with the  
249 procedures established by the department. The responsible agency  
250 shall immediately forward the registration information to the  
251 Department of Public Safety. The person is also required to  
252 personally appear at a Department of Public Safety Driver's  
253 License Station within ten (10) days of the time the requirement  
254 to register attaches.

255 (2) If a person who is required to register under this  
256 section is released from prison or placed on parole or supervised  
257 release or in a restitution center or community work center, the  
258 Department of Corrections shall perform the registration duties  
259 before placement in a center or before release and immediately  
260 forward the registration information to the Department of Public  
261 Safety \* \* \*. The person is also required to personally appear at  
262 a Department of Public Safety Driver's License Station within ten  
263 (10) days of release.

264 (3) If a person required to register under this section is  
265 placed on probation, the court, at the time of entering the order,  
266 shall register the person \* \* \* and immediately forward the



267 registration information to the Department of Public Safety \* \* \*.  
268 The person is also required to personally appear at a Department  
269 of Public Safety Driver's License Station within ten (10) days of  
270 the entry of the order.

271 (4) Any person required to register who is neither  
272 incarcerated, detained nor committed at the time the requirement  
273 to register attaches shall personally appear before the county  
274 sheriff within three (3) business days, and shall \* \* \* personally  
275 appear at a Department of Public Safety Driver's License+ Station  
276 within ten (10) days of the time the requirement to register  
277 attaches.

278 (5) An offender moving to or returning to this state from  
279 another jurisdiction shall notify the Department of Public Safety  
280 ten (10) days before the person first resides in or returns  
281 to \* \* \* this state \* \* \*. The offender must then present himself  
282 to the sheriff of the county of his residence to provide the  
283 required registration information. The person is also required to  
284 register by personally appearing at a Department of Public Safety  
285 Driver's License Station within three (3) business days of first  
286 residing in or moving to a county of this state.

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

294 (7) Every person required to register shall show proof of  
295 domicile \* \* \*. The commissioner shall promulgate any rules and  
296 regulations necessary to enforce this requirement and shall  
297 prescribe the means by which such person may show domicile \* \* \*.

298 (8) Any driver's license photograph, I.D. photograph, sex  
299 offender photograph, finger print, driver's license

300 application \* \* \* or anything submitted to the Department of  
301 Public Safety by a known convicted sex offender, registered or not  
302 registered, can be used by the Department of Public Safety or any  
303 other authorized law enforcement agency for any means necessary in  
304 registration, identification, investigation regarding their  
305 tracking or identification.

306 **SECTION 4.** Section 45-33-29, Mississippi Code of 1972, is  
307 amended as follows:

308 45-33-29. (1) \* \* \* An offender required to register under  
309 this chapter is required to personally appear at a Department of  
310 Public Safety Driver's License Station not less than ten (10) days  
311 before he intends to first reside in another state.

312 (2) Upon any change in the status of a registrant's  
313 enrollment, employment or vocation at any public or private  
314 educational institution, including any secondary school, trade or  
315 professional institution or institution of higher education, the  
316 offender is required to personally appear at a Department of  
317 Public Safety Driver's License Station within three (3) business  
318 days of the change.

319 (3) Upon any change of address not subject to subsection  
320 (1), change of employment, or change of name, a registrant is  
321 required to personally appear at a Department of Public Safety  
322 Driver's License Station within three (3) business days of the  
323 change.

324 **SECTION 5.** Section 45-33-31, Mississippi Code of 1972, is  
325 amended as follows:

326 45-33-31. All registrants are required to personally appear  
327 at a Department of Public Safety Driver's License Station to  
328 reregister every ninety (90) days. Reregistration includes the  
329 submission of current information and photograph to the department  
330 and the verification of registration information, including the  
331 street address and telephone number of the registrant; name,  
332 street address and telephone number of the registrant's employment

333 along with any other registration information that may need to be  
334 verified and the payment of any required fees. A person who fails  
335 to reregister as required by this section commits a violation of  
336 this chapter.

337         **SECTION 6.** Section 45-33-33, Mississippi Code of 1972, is  
338 amended as follows:

339         45-33-33. (1) (a) The failure of an offender to personally  
340 appear at a Department of Public Safety Driver's License Station  
341 or to provide any registration or other information, including,  
342 but not limited to, initial registration, reregistration or change  
343 of address information, change of employment, change of name or  
344 required notification to a volunteer organization, as required by  
345 this chapter, is a violation of the law. Additionally, forgery of  
346 information or submission of information under false pretenses is  
347 also a violation of the law.

348                 (b) A person commits a violation of this chapter who:

349                         (i) Knowingly harbors, or knowingly attempts to  
350 harbor, or knowingly assists another person in harboring or  
351 attempting to harbor a sex offender who is in violation of this  
352 chapter; or

353                         (ii) Knowingly assists a sex offender in eluding a  
354 law enforcement agency that is seeking to find the sex offender to  
355 question the sex offender about, or to arrest the sex offender  
356 for, noncompliance with the requirements of this chapter; or

357                         (iii) Provides information to a law enforcement  
358 agency regarding a sex offender which the person knows to be  
359 false.

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

365           (3) Whenever it appears that an offender has failed to  
366 comply with the duty to register or reregister, the department  
367 shall promptly notify the sheriff of the county of the last known  
368 address of the offender. Upon notification, the sheriff shall  
369 attempt to locate the offender at his last known address.

370           (a) If the sheriff locates the offender, he shall  
371 enforce the provisions of this chapter. The sheriff shall then  
372 notify the department with the current information regarding the  
373 offender.

374           (b) If the sheriff is unable to locate the offender,  
375 the sheriff shall promptly notify the department and initiate a  
376 criminal prosecution against the offender for the failure to  
377 register or reregister. The sheriff shall make the appropriate  
378 transactions into the Federal Bureau of Investigation's  
379 wanted-person database.

380           (4) A first violation of this chapter may result in the  
381 arrest of the offender. Upon any second or subsequent violation  
382 of this chapter, the offender shall be arrested for the violation.

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

385           (6) A person required to register under this chapter who  
386 commits any act or omission in violation of this chapter may be  
387 prosecuted for the act or omission in the county in which the act  
388 or omission was committed, the county of the last registered  
389 address of the sex offender, the county in which the conviction  
390 occurred for the offense or offenses that meet the criteria  
391 requiring the person to register, or in the county in which he was  
392 designated a sex offender.

393           (7) The Commissioner of Public Safety or his authorized  
394 agent shall suspend the driver's license or driving privilege of  
395 any offender failing to comply with the duty to report, register  
396 or reregister.

397           **SECTION 7.** Section 45-33-34, Mississippi Code of 1972, is  
398 amended as follows:

399           45-33-34. (1) The Department of Corrections and all law  
400 enforcement agencies shall notify the department when a registered  
401 sex offender is arrested or incarcerated for another offense or as  
402 the result of having violated probation, parole, conditional  
403 discharge or other sentence or court order.

404           (2) \* \* \* The offender, offender's guardian, offender's  
405 conservator or the administrator of the institution shall notify  
406 the department when a registered sex offender is committed to a  
407 mental institution for a reason other than the initial confinement  
408 following an acquittal by reason of insanity for a sex offense.

409           **SECTION 8.** Section 45-33-35, Mississippi Code of 1972, is  
410 amended as follows:

411           45-33-35. (1) The Mississippi Department of Public Safety  
412 shall maintain a central registry of sex offender information as  
413 defined in Section 45-33-25 and shall adopt rules and regulations  
414 necessary to carry out this section. The responsible agencies  
415 shall provide the information required in Section 45-33-25 on a  
416 form developed by the department to ensure accurate information is  
417 maintained.

418           (2) Upon conviction, adjudication or acquittal by reason of  
419 insanity of any sex offender, if the sex offender is not  
420 immediately confined or not sentenced to a term of imprisonment,  
421 the clerk of the court which convicted and sentenced the sex  
422 offender shall inform the person of the duty to register,  
423 including the duty to personally appear at a Department of Public  
424 Safety Driver's License Station, and shall perform the  
425 registration duties as described in Section 45-33-23 and forward  
426 the information to the department.

427           (3) Before release from prison, or placement on parole,  
428 supervised release or in a work center or restitution center, the  
429 Department of Corrections shall inform the person of the duty to

430 register, including the duty to personally appear at a Department  
431 of Public Safety Driver's License Station, and shall perform the  
432 registration duties as described in Section 45-33-23 and forward  
433 the information to the Department of Public Safety.

434 (4) Before release from confinement in a mental institution  
435 following an acquittal by reason of insanity, the director of the  
436 facility shall inform the offender of the duty to register,  
437 including the duty to personally appear at a Department of Public  
438 Safety Driver's License Station, and shall notify the Department  
439 of Public Safety of the offender's release.

440 (5) Before release from a youthful offender facility, the  
441 director of the facility shall inform the person of the duty to  
442 register, including the duty to personally appear at a Department  
443 of Public Safety Driver's License Station, and shall perform the  
444 registration duties as described in Section 45-33-23 and forward  
445 the information to the Department of Public Safety.

446 (6) In addition to performing the registration duties, the  
447 responsible agency shall:

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

449 (i) The person is required to personally appear at  
450 a Department of Public Safety Driver's License Station at least  
451 ten (10) days before changing address.

452 (ii) Any change of address to another state shall  
453 be reported to the department by personally appearing at a  
454 Department of Public Safety Driver's License Station not less than  
455 ten (10) days before the change of address. The offender shall  
456 comply with any registration requirement in the new state.

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

460 (iv) \* \* \* Address verifications shall be made by  
461 personally appearing at a Department of Public Safety Driver's  
462 License Station within the required time period.

463                   (v) Notification or verification of a change in  
464 status of a registrant's enrollment, employment or vocation at any  
465 public or private educational institution, including any secondary  
466 school, trade or professional institution, or institution of  
467 higher education shall be reported to the department by personally  
468 appearing at a Department of Public Safety Driver's License  
469 Station within three (3) business days of the change.

470                   (vi) If the person has been convicted of a sex  
471 offense, the person shall notify any organization for which the  
472 person volunteers in which volunteers have direct, private or  
473 unsupervised contact with minors that the person has been  
474 convicted of a sex offense as provided in Section 45-33-32(1).

475                   (vii) Upon any change of name or employment, a  
476 registrant is required to personally appear at a Department of  
477 Public Safety Driver's License Station within three (3) business  
478 days of the change.

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

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

486                   (d) Provide a copy of the order of conviction or  
487 sentencing order to the department at the time of registration.

488                   **SECTION 9.** Section 45-33-41, Mississippi Code of 1972, is  
489 amended as follows:

490                   45-33-41. (1) The Department of Corrections or any person  
491 having charge of a county or municipal jail or any juvenile  
492 detention facility shall provide written notification to an inmate  
493 or offender in the custody of the jail or other facility due to a  
494 conviction of or adjudication for a sex offense of the  
495 registration and notification requirements of Sections 45-33-25,

496 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or  
497 offender's confinement and release from confinement, and shall  
498 receive a signed acknowledgment of receipt on both occasions.

499 (2) Before \* \* \* release from confinement, the Department of  
500 Corrections shall notify the victim of the offense or a designee  
501 of the immediate family of the victim regarding the date when the  
502 offender's release shall occur, provided a current address of the  
503 victim or designated family member has been furnished in writing  
504 to the Director of Records for such purpose.

505 **SECTION 10.** Section 45-33-43, Mississippi Code of 1972, is  
506 amended as follows:

507 45-33-43. At the time a person surrenders a driver's license  
508 from another jurisdiction or makes an application for a driver's  
509 license, temporary driving permit, intermediate license,  
510 commercial driver's license or identification card issued under  
511 Section 45-35-3, the department shall provide the applicant with  
512 written information on the registration requirements of this  
513 chapter and shall require written acknowledgement by the applicant  
514 of receipt of the notification.

515 **SECTION 11.** Section 45-33-47, Mississippi Code of 1972, is  
516 amended as follows:

517 **[For offenders convicted of a sex offense committed before**  
518 **July 1, 2007, this section shall read as follows:]**

519 45-33-47. (1) A sex offender with a duty to register under  
520 Section 45-33-25 shall only be relieved of the duty under  
521 subsection (2) of this section.

522 (2) A person having a duty to register under Section  
523 45-33-25 may petition the circuit court of the sentencing  
524 jurisdiction, or for a person whose duty to register arose in  
525 another jurisdiction, the county in which the registrant resides,  
526 to be relieved of that duty under the following conditions:

527 (a) The offender has maintained his registration in  
528 Mississippi for not less than ten (10) years from the most recent



529 date of occurrence of at least one (1) of the following: release  
530 from prison, placement on parole, supervised release or probation.  
531 Incarceration for any offense will restart the ten-year minimum  
532 registration requirement. Registration in any other jurisdiction  
533 or state does not reduce the ten-year time requirement for  
534 maintaining registration in Mississippi.

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

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

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

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

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

544 (v) Section 97-5-41 relating to the carnal  
545 knowledge of a stepchild, adopted child or child of a cohabiting  
546 partner; \* \* \*

547 (vi) Any conviction for violation of a similar law  
548 of another jurisdiction or designation as a sexual predator in  
549 another jurisdiction; or

550 (vii) Section 97-3-53 relating to kidnapping if  
551 the victim is under the age of eighteen (18).

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

557 (d) An offender, twenty-one (21) years of age or older,  
558 who is convicted of any sex offense where the victim was fourteen  
559 (14) years of age or younger shall be subject to lifetime  
560 registration and shall not be relieved of the duty to register.

561 (e) An offender \* \* \* adjudicated delinquent in a youth  
562 court for the crime of rape pursuant to Section 96-3-65 or sexual  
563 battery pursuant to Section 97-3-95 is subject to lifetime  
564 registration and shall not be eligible to petition to be relieved  
565 of the duty to register.

566 (f) Registration following arrest or arraignment for  
567 failure to register is not a defense and does not relieve the sex  
568 offender of criminal liability for failure to register.

569 (g) The department shall continue to list in the  
570 registry the name and registration information of all registrants  
571 who no longer work, reside or attend school in this state even  
572 after the registrant moves to another jurisdiction and registers  
573 in the new jurisdiction as required by law. The registry shall  
574 note that the registrant moved out of state.

575 (3) In determining whether to release an offender from the  
576 obligation to register, the court shall consider the nature of the  
577 registrable offense committed and the criminal and relevant  
578 noncriminal behavior of the petitioner both before and after  
579 conviction. The court may relieve the offender of the duty to  
580 register only if the petitioner shows, by clear and convincing  
581 evidence, that the registrant properly maintained his registration  
582 as required by law and that future registration of the petitioner  
583 will not serve the purposes of this chapter and the court is  
584 otherwise satisfied that the petitioner is not a current or  
585 potential threat to public safety. The district attorney in the  
586 circuit in which the petition is filed must be given notice of the  
587 petition at least three (3) weeks before the hearing on the  
588 matter. The district attorney may present evidence in opposition  
589 to the requested relief or may otherwise demonstrate the reasons  
590 why the petition should be denied. If the court denies the  
591 petition, the petitioner may not again petition the court for  
592 relief until one (1) year has elapsed unless the court orders  
593 otherwise in its order of denial of relief.

594 (4) The offender will be required to continue registration  
595 for any sex offense conviction unless the conviction is set aside  
596 in any post-conviction proceeding, the offender receives a pardon,  
597 the charge is dismissed or the offender has received a court order  
598 pursuant to this section relieving him of the duty to register.  
599 Upon submission of the appropriate documentation to the department  
600 of one (1) of these occurrences, registration duties will be  
601 discontinued.

602 **[For sex offenders convicted of a sex offense committed on or**  
603 **after July 1, 2007, this section shall read as follows:]**

604 45-33-47. (1) A sex offender with a duty to register under  
605 Section 45-33-25 shall only be relieved of the duty under  
606 subsection (2) of this section.

607 (2) A person having a duty to register under Section  
608 45-33-25 may petition the circuit court of the sentencing  
609 jurisdiction, or for a person whose duty to register arose in  
610 another jurisdiction, the county in which the registrant resides,  
611 to be relieved of that duty under the following conditions:

612 (a) The offender has maintained his registration in  
613 Mississippi for not less than twenty-five (25) years from the most  
614 recent date of occurrence of at least one (1) of the following:  
615 release from prison, placement on parole, supervised release or  
616 probation. Incarceration for any offense will restart the  
617 twenty-five-year minimum registration requirement. Registration  
618 in any other jurisdiction or state does not reduce the  
619 twenty-five-year time requirement for maintaining registration in  
620 Mississippi.

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

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

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

627 (iii) Section 97-3-95 relating to sexual battery;  
628 (iv) Subsection (1) or (2) of Section 97-5-33  
629 relating to the exploitation of children;  
630 (v) Section 97-5-41 relating to the carnal  
631 knowledge of a stepchild, adopted child or child of a cohabiting  
632 partner;  
633 (vi) Any conviction for violation of a similar law  
634 of another jurisdiction or designation as a sexual predator in  
635 another jurisdiction; or  
636 (vii) Section 97-3-53 relating to kidnapping if  
637 the victim is under the age of eighteen (18).  
638 (c) An offender who has two (2) separate convictions  
639 for any of the offenses described in Section 45-33-23 is subject  
640 to lifetime registration and shall not be eligible to petition to  
641 be relieved of the duty to register as long as at least one (1) of  
642 the convictions was entered on or after July 1, 1995.  
643 (d) An offender, twenty-one (21) years of age or older,  
644 who is convicted of any sex offense where the victim was fourteen  
645 (14) years of age or younger shall be subject to lifetime  
646 registration and shall not be relieved of the duty to register.  
647 (e) An offender \* \* \* adjudicated delinquent in a youth  
648 court for the crime of rape pursuant to Section 96-3-65 or sexual  
649 battery pursuant to Section 97-3-95 is subject to lifetime  
650 registration and shall not be eligible to petition to be relieved  
651 of the duty to register.  
652 (f) Registration following arrest or arraignment for  
653 failure to register is not a defense and does not relieve the sex  
654 offender of criminal liability for failure to register.  
655 (g) The department shall continue to list in the  
656 registry the name and registration information of all registrants  
657 who no longer work, reside or attend school in this state even  
658 after the registrant moves to another jurisdiction and registers

659 in the new jurisdiction as required by law. The registry shall  
660 note that the registrant moved out of state.

661 (3) In determining whether to release an offender from the  
662 obligation to register, the court shall consider the nature of the  
663 registrable offense committed and the criminal and relevant  
664 noncriminal behavior of the petitioner both before and after  
665 conviction. The court may relieve the offender of the duty to  
666 register only if the petitioner shows, by clear and convincing  
667 evidence, that the registrant properly maintained his registration  
668 as required by law and that future registration of the petitioner  
669 will not serve the purposes of this chapter and the court is  
670 otherwise satisfied that the petitioner is not a current or  
671 potential threat to public safety. The district attorney in the  
672 circuit in which the petition is filed must be given notice of the  
673 petition at least three (3) weeks before the hearing on the  
674 matter. The district attorney may present evidence in opposition  
675 to the requested relief or may otherwise demonstrate the reasons  
676 why the petition should be denied. If the court denies the  
677 petition, the petitioner may not again petition the court for  
678 relief until one (1) year has elapsed unless the court orders  
679 otherwise in its order of denial of relief.

680 (4) The offender will be required to continue registration  
681 for any sex offense conviction unless the conviction is set aside  
682 in any post-conviction proceeding, the offender receives a pardon,  
683 the charge is dismissed or the offender has received a court order  
684 pursuant to this section relieving him of the duty to register.  
685 Upon submission of the appropriate documentation to the department  
686 of one (1) of these occurrences, registration duties will be  
687 discontinued.

688 **SECTION 12.** Section 45-33-49, Mississippi Code of 1972, is  
689 amended as follows:

690 45-33-49. (1) Records maintained pursuant to this chapter  
691 shall be open to law enforcement agencies which shall be

692 authorized to release relevant and necessary information regarding  
693 sex offenders to the public.

694 (2) The identity of a victim of an offense that requires  
695 registration under this chapter shall not be released.

696 (3) A sheriff shall maintain records for registrants of the  
697 county and shall make available to any person upon request the  
698 name, address, place of employment, crime for which convicted,  
699 date and place of conviction of any registrant, and any other  
700 information deemed necessary for the protection of the public.  
701 The sheriffs shall be responsible for verifying their respective  
702 registries annually against the department's records to ensure  
703 current information is available at both levels.

704 (4) Upon written request, the department may also provide to  
705 any person the name, address, photograph, if available, date of  
706 photograph, place of employment, crime for which convicted, date  
707 and place of conviction of any registrant, hair, eye color,  
708 height, race, sex and date of birth of any registrant, and any  
709 other information deemed necessary for the protection of the  
710 public. \* \* \*

711 (5) The Department of Public Safety shall maintain an  
712 Internet site in a manner that will permit the public to obtain  
713 relevant information for each sex offender in the registry. The  
714 Web site shall permit the public to obtain relevant information  
715 for each offender by a single query for any given zip code or  
716 geographic radius set by the user, such as a municipality or  
717 county. The Department of Public Safety shall participate in the  
718 DruSjodin National Sex Offender Public Web site.

719 (6) The Department of Education, the Mississippi Private  
720 School Association and the Department of Health shall notify all  
721 schools and licensed day care centers annually regarding the  
722 availability upon request of this information.

723 (7) Nothing in this section shall be construed to prevent  
724 law enforcement officers from notifying members of the public

725 exposed to danger of any circumstances or individuals that pose a  
726 danger under circumstances that are not enumerated in this  
727 section.

728       (8) Nothing in this chapter shall be construed to prevent  
729 law enforcement officers from providing community notification of  
730 any circumstances or individuals that pose or could pose a danger  
731 under circumstances that are not enumerated in this chapter.

732       **SECTION 13.** Section 45-33-51, Mississippi Code of 1972, is  
733 amended as follows:

734       45-33-51. (1) Any person who willfully misuses or alters  
735 public record information relating to a sex offender, sexual  
736 predator, or a person residing or working at an address reported  
737 by a sex offender, including information displayed by law  
738 enforcement agencies on Web sites, shall be guilty of a  
739 misdemeanor and shall be punished by a fine of not more than One  
740 Thousand Dollars (\$1,000.00) or imprisonment in the county jail  
741 not more than six (6) months, or both.

742       (2) The sale or exchange of sex offender information for  
743 profit is prohibited. Any violation of this subsection (2) is a  
744 misdemeanor and shall be punished by a fine of not more than One  
745 Thousand Dollars (\$1,000.00) or imprisonment in the county jail  
746 not more than six (6) months, or both.

747       **SECTION 14.** Section 45-35-3, Mississippi Code of 1972, is  
748 amended as follows:

749       45-35-3. (1) Any person six (6) years of age or older may  
750 be issued an identification card by the department which is  
751 certified by the registrant and attested by the commissioner as to  
752 true name, correct age and such other identifying data as required  
753 by Section 45-35-5.

754       (2) The new, duplicate or renewal identification card of a  
755 person required to register as a sex offender pursuant to Section  
756 45-33-25 shall bear a designation identifying the card holder as a  
757 sex offender.

758           **SECTION 15.** Section 63-1-35, Mississippi Code of 1972, is  
759 amended as follows:

760           63-1-35. (1) The Commissioner of Public Safety shall  
761 prescribe the form of licenses issued pursuant to this article  
762 which shall, among other features, include a driver's license  
763 number assigned by the Department of Public Safety which, at the  
764 option of the licensee, may or may not be the social security  
765 number of the licensee. A licensee who chooses not to use his  
766 social security number as his driver's license number, except as  
767 otherwise provided under subsection (2) of this section, shall  
768 list his social security number with the department which shall  
769 cross reference the social security number with the driver's  
770 license number for purposes of identification. Additionally, each  
771 license shall bear a full face color photograph of the licensee in  
772 such form that the license and the photograph cannot be separated.  
773 Such photograph shall be taken so that one (1) exposure will  
774 photograph the applicant and the application simultaneously on the  
775 same film. The department shall use a process in the issuance of  
776 a license with a color photograph which shall prevent as nearly as  
777 possible any alteration, counterfeiting, duplication,  
778 reproduction, forging or modification of such license or the  
779 superimposition of a photograph without ready detection. Such  
780 photograph shall be replaced by the department at the time of  
781 renewal. Driver licenses, including photographs appearing  
782 thereon, may be renewed by electronic means according to rules and  
783 regulations promulgated by the commissioner. The Department of  
784 Public Safety may accept bank credit cards and debit cards in  
785 payment of fees for driver license renewals that are processed by  
786 electronic means and, if authorized by general law, may charge an  
787 additional fee for the use of such cards.

788           (2) The commissioner shall prescribe the form of licenses  
789 issued pursuant to this article to licensees who are not United  
790 States citizens and who do not possess a social security number



791 issued by the United States government. The licenses of such  
792 persons shall include a number and/or other identifying features.

793 (3) Any new, duplicate or renewal driver's license,  
794 temporary driving permit, intermediate license or commercial  
795 driver's license issued to a person required to register as a sex  
796 offender pursuant to Section 45-33-25 shall bear a designation  
797 identifying the licensee or permittee as a sex offender.

798 **SECTION 16.** (1) Upon receipt of sex offender registration  
799 or change of registration information, the Department of Public  
800 Safety shall immediately provide the information to:

801 (a) The National Sex Offender Registry or other  
802 appropriate databases;

803 (b) The sheriff of the county where the offender  
804 resides, is an employee, or is a student;

805 (c) The sheriff of the county from which or to which a  
806 change of residence, employment or student status occurs; and

807 (d) The Department of Human Services.

808 (2) The Department of Public Safety shall also provide the  
809 information within five (5) business days to volunteer  
810 organizations in which contact with minors or vulnerable adults  
811 might occur and any organization, company or individual who  
812 requests such notification pursuant to procedures established by  
813 the Department of Public Safety.

814 **SECTION 17.** This act shall take effect and be in force from  
815 and after July 1, 2007.