

By: Representative Johnson

To: Corrections;
Appropriations A

HOUSE BILL NO. 101

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CONVERT
2 THE THREE RESTITUTION CENTERS IN THE STATE TO POST-RELEASE REENTRY
3 CENTERS; TO PROVIDE THAT THE POST-RELEASE REENTRY CENTERS SHALL BE
4 FOR INDIVIDUALS WHO ARE ELIGIBLE FOR RELEASE, INCLUDING THOSE
5 ELIGIBLE FOR PAROLE AND EARLY RELEASE SUPERVISION, IF SUCH
6 INDIVIDUALS DO NOT HAVE IMMEDIATE ACCESS TO HOUSING UPON RELEASE;
7 TO REQUIRE THE DEPARTMENT TO ADMINISTER SERVICES IN THE
8 POST-RELEASE REENTRY CENTERS AS WELL AS OTHER FACILITIES THAT
9 PROVIDE POST-RELEASE REENTRY SERVICES; TO REQUIRE THE DEPARTMENT
10 TO ASSIST RESIDENTS OF THE CENTERS IN OBTAINING CERTAIN REENTRY
11 NECESSITIES SUCH AS HOUSING, JOB SKILLS TRAINING AND DRIVER'S
12 LICENSES; TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972, TO
13 PROVIDE THAT CERTAIN RESIDENCE RESTRICTIONS SHALL NOT APPLY TO
14 POST-RELEASE REENTRY CENTERS; TO AMEND SECTION 45-33-35,
15 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
16 FOR RELATED PURPOSES.

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

18 SECTION 1. (1) The Department of Corrections shall convert
19 the Madison County Restitution Center, Flowood Restitution Center,
20 and Pascagoula Restitution Center to post-release reentry centers.

21 (2) Any person who is eligible for release, including parole
22 and early release supervision, shall be eligible for placement in
23 a post-release reentry center. Participation in a post-release
24 reentry center is intended for those who do not have immediate
25 access to housing or other support services upon release from

26 incarceration. Residents of post-release reentry centers shall
27 remain at a center for ninety (90) days or until other housing
28 becomes available, whichever period is shorter. A person
29 otherwise eligible for release from incarceration may not be
30 detained due to their refusal to accept placement in a
31 post-release reentry center. The residence restrictions provided
32 in Section 45-33-25 shall not apply to post-release reentry
33 centers regardless of the location of any center.

34 **SECTION 2.** (1) The Department of Corrections shall
35 institute and administer services in post-release reentry centers
36 at the facilities identified under Section 1 of this act and at
37 other facilities which provide post-release reentry services.

38 (2) The Department of Corrections shall:

39 (a) Seek funding from federal or other sources to
40 provide the maximum supportive services for residents and the
41 families of residents who are participating in a post-release
42 reentry program;

43 (b) Develop programs at post-release reentry centers
44 through which residents are provided support, training, and
45 connection to services necessary to contribute to society and the
46 support of themselves and their families upon returning to local
47 communities following incarceration; and

48 (c) Develop evidence-based pilot programs in
49 furtherance of aiding personal growth and development, overcoming
50 problematic behaviors, establishing a verified residency plan, and



51 teaching skills to enhance the resident's quality of life and
52 successful reentry into the community. The programs may be
53 residential or nonresidential as appropriate.

54 (3) The Department of Corrections shall assist residents in
55 obtaining:

56 (a) Counseling/case management services;
57 (b) Housing;
58 (c) Employment or job skills training;
59 (d) State-issued driver's licenses or a state issued
60 IDs should a driver's license be unobtainable;
61 (e) Health care services;
62 (f) Educational services;
63 (g) Cognitive behavioral programs;
64 (h) Drug and alcohol treatment and recovery services;
65 and
66 (i) Other community support services.

67 **SECTION 3.** Section 45-33-25, Mississippi Code of 1972, is
68 amended as follows:

69 45-33-25. (1) (a) Any person having a permanent or
70 temporary residence in this state or who is employed or attending
71 school in this state who has been convicted of a registrable
72 offense in this state or another jurisdiction or who has been
73 acquitted by reason of insanity of a registrable offense in this
74 state or another jurisdiction shall register with the responsible
75 agency and the Mississippi Department of Public Safety.

76 Registration shall not be required for an offense that is not a
77 registrable sex offense or for an offender who is under fourteen
78 (14) years of age. The department shall provide the initial
79 registration information as well as every change of name, change
80 of address, change of status at a school, or other change of
81 information as required by the department to the sheriff of the
82 county of the residence address of the registrant, the sheriff of
83 the county of the employment address, and the sheriff of the
84 county of the school address, if applicable, and any other
85 jurisdiction of the registrant through either written notice,
86 electronic or telephone transmissions, or online access to
87 registration information. Further, the department shall provide
88 this information to the Federal Bureau of Investigation.
89 Additionally, upon notification by the registrant that he intends
90 to reside outside the State of Mississippi, the department shall
91 notify the appropriate state law enforcement agency of any state
92 to which a registrant is moving or has moved.

93 (b) Any person having a permanent or temporary
94 residence or who is employed or attending school in this state who
95 has been adjudicated delinquent for a registrable sex offense
96 listed in this paragraph that involved use of force against the
97 victim shall register as a sex offender with the responsible
98 agency and shall personally appear at a facility designated by the
99 Mississippi Department of Public Safety, or in a manner of the
100 Department of Public Safety's choosing, including by electronic



101 means, within three (3) business days of registering with the
102 responsible agency:

103 (i) Section 97-3-71 relating to rape and assault
104 with intent to ravish;

105 (ii) Section 97-3-95 relating to sexual battery;

106 (iii) Section 97-3-65 relating to statutory rape;

107 or

108 (iv) Conspiracy to commit, accessory to the
109 commission of, or attempt to commit any offense listed in this
110 paragraph.

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

113 (a) Name, including a former name which has been
114 legally changed;

115 (b) Street address of all current permanent and
116 temporary residences within state or out of state at which the sex
117 offender resides or habitually lives, including dates of temporary
118 lodgings. There is a presumption that a registrant owes a duty of
119 updating registration information if the registrant remains away
120 from a registered address for seven (7) or more aggregate days in
121 a six (6) month period;

122 (c) Date, place and address of employment, including as
123 a volunteer or unpaid intern or as a transient or day laborer;

124 (d) Crime for which charged, arrested or convicted;



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

127 (f) Aliases used or nicknames, ethnic or tribal names
128 by which commonly known;

129 (g) Social security number and any purported social
130 security number or numbers;

131 (h) Date and place of birth and any purported date and
132 place of birth;

133 (i) Age, race, sex, height, weight, hair and eye
134 colors, and any other physical description or identifying factors;

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

137 (k) Driver's license or state or other jurisdiction
138 identification card number, which license or card may be
139 electronically accessed by the Department of Public Safety;

140 (l) Anticipated future residence;

141 (m) If the registrant's residence is a motor vehicle,
142 trailer, mobile home or manufactured home, the registrant shall
143 also provide vehicle identification number, license tag number,
144 registration number and a description, including color scheme, of
145 the motor vehicle, trailer, mobile home or manufactured home; if
146 the registrant's place of residence is a vessel or houseboat, the
147 registrant shall also provide the hull identification number,
148 manufacturer's serial number, name of the vessel or houseboat,
149 registration number and a description, including color scheme, of



150 the vessel or houseboat, including permanent or frequent locations
151 where the motor vehicle, trailer, mobile home, manufactured home,
152 vessel or houseboat is kept;

153 (n) Vehicle make, model, color and license tag number
154 for all vehicles owned or operated by the sex offender, whether
155 for work or personal use, and the permanent or frequent locations
156 where a vehicle is kept;

157 (o) Offense history;

158 (p) Photograph;

159 (q) Fingerprints and palm prints;

160 (r) Documentation of any treatment received for any
161 mental abnormality or personality disorder of the person;

162 (s) Biological sample;

163 (t) Name of any public or private educational
164 institution, including any secondary school, trade or professional
165 institution or institution of higher education at which the
166 offender is employed, carries on a vocation (with or without
167 compensation) or is enrolled as a student, or will be enrolled as
168 a student, and the registrant's status;

169 (u) Copy of conviction or sentencing order for the sex
170 offense for which registration is required;

171 (v) The offender's parole, probation or supervised
172 release status and the existence of any outstanding arrest
173 warrants;

174 (w) Every online identity, screen name or username
175 used, registered or created by a registrant;

176 (x) Professional licensing information which authorizes
177 the registrant to engage in an occupation or carry out a trade or
178 occupation;

179 (y) Information from passport and immigration
180 documents;

181 (z) All telephone numbers, including, but not limited
182 to, permanent residence, temporary residence, cell phone and
183 employment phone numbers, whether landlines or cell phones; and

184 (aa) Any other information deemed necessary.

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

189 (4) (a) A person required to register under this chapter
190 shall not reside within three thousand (3,000) feet of the real
191 property comprising a public or nonpublic elementary or secondary
192 school, a child care facility, a residential child-caring agency,
193 a children's group care home or any playground, ballpark or other
194 recreational facility utilized by persons under the age of
195 eighteen (18) years.

196 (b) A person residing within three thousand (3,000)
197 feet of the real property comprising a public or nonpublic
198 elementary or secondary school or a child care facility does not



199 commit a violation of this subsection if any of the following
200 apply:

201 (i) The person is serving a sentence at a jail,
202 prison, juvenile facility or other correctional institution or
203 facility.

204 (ii) The person is subject to an order of
205 commitment under Title 41, Mississippi Code of 1972.

206 (iii) The person established the subject residence
207 before July 1, 2006.

208 (iv) The school or child care facility is
209 established within three thousand (3,000) feet of the person's
210 residence subsequent to the date the person established residency.

211 (v) The person established the subject residence
212 between July 1, 2006, and January 1, 2014, in a location at least
213 one thousand five hundred (1,500) feet from the school or child
214 care facility.

215 (vi) The person is a minor or a ward under a
216 guardianship.

217 (c) A person residing within three thousand (3,000)
218 feet of the real property comprising a residential child-caring
219 agency, a children's group care home or any playground, ballpark
220 or other recreational facility utilized by persons under the age
221 of eighteen (18) years does not commit a violation of this
222 subsection if any of the following apply:

223 (i) The person established the subject residence
224 before July 1, 2008.

231 (iii) The person established the subject residence
232 between July 1, 2008, and January 1, 2014, in a location at least
233 one thousand five hundred (1,500) feet from the residential
234 child-caring agency, children's group care home, playground,
235 ballpark or other recreational facility utilized by persons under
236 the age of eighteen (18) years.

237 (iv) Any of the conditions described in subsection
238 (4) (b) (i), (ii) or (vi) exist.

239 (5) The Department of Public Safety is required to obtain
240 the text of the law defining the offense or offenses for which the
241 registration is required.

242 (6) The residence restriction provided under this section
243 shall not apply to post-release reentry centers regardless of the
244 location of any center.

245 **SECTION 4.** Section 45-33-35, Mississippi Code of 1972, is
246 amended as follows:



247 45-33-35. (1) The Mississippi Department of Public Safety
248 shall maintain a central registry of sex offender information as
249 defined in Section 45-33-25 and shall adopt rules and regulations
250 necessary to carry out this section. The responsible agencies
251 shall provide the information required in Section 45-33-25 on a
252 form developed by the department to ensure accurate information is
253 maintained.

254 (2) Upon conviction, adjudication or acquittal by reason of
255 insanity of any sex offender, if the sex offender is not
256 immediately confined or not sentenced to a term of imprisonment,
257 the clerk of the court which convicted and sentenced the sex
258 offender shall inform the person of the duty to register,
259 including the duty to personally appear at a facility designated
260 by the Department of Public Safety, or in a manner of the
261 Department of Public Safety's choosing, including by electronic
262 means, and shall perform the registration duties as described in
263 Section 45-33-23 and forward the information to the department.

264 (3) Before release from prison or placement on parole,
265 supervised release or in a work center * * *, the Department of
266 Corrections shall inform the person of the duty to register,
267 including the duty to personally appear at a facility designated
268 by the Department of Public Safety, or in a manner of the
269 Department of Public Safety's choosing, including by electronic
270 means, and shall perform the registration duties as described in



271 Section 45-33-23 and forward the information to the Department of
272 Public Safety.

273 (4) Before release from a community regional mental health
274 center or from confinement in a mental institution following an
275 acquittal by reason of insanity, the director of the facility
276 shall inform the offender of the duty to register, including the
277 duty to personally appear at a facility designated by the
278 Department of Public Safety, or in a manner of the Department of
279 Public Safety's choosing, including by electronic means, and shall
280 perform the registration duties as described in Section 45-33-23
281 and forward the information to the Department of Public Safety.

282 (5) Before release from a youthful offender facility, the
283 director of the facility shall inform the person of the duty to
284 register, including the duty to personally appear at a facility
285 designated by the Department of Public Safety, or in a manner of
286 the Department of Public Safety's choosing, including by
287 electronic means, and shall perform the registration duties as
288 described in Section 45-33-23 and forward the information to the
289 Department of Public Safety.

290 (6) In addition to performing the registration duties, the
291 responsible agency shall:

292 (a) Inform the person having a duty to register that:
293 (i) The person is required to personally appear at
294 a facility designated by the Department of Public Safety, or in a

295 manner of the Department of Public Safety's choosing, including by
296 electronic means, at least ten (10) days before changing address.

297 (ii) Any change of address to another jurisdiction
298 shall be reported to the department by personally appearing at a
299 facility designated by the Department of Public Safety, or in a
300 manner of the Department of Public Safety's choosing, including by
301 electronic means, not less than ten (10) days before the change of
302 address. The offender shall comply with any registration
303 requirement in the new jurisdiction.

304 (iii) The person must register in any jurisdiction
305 where the person is employed, carries on a vocation, is stationed
306 in the military or is a student.

307 (iv) Address verifications shall be made by
308 personally appearing at a facility designated by the Department of
309 Public Safety, or in a manner of the Department of Public Safety's
310 choosing, including by electronic means, within the required time
311 period.

312 (v) Notification or verification of a change in
313 status of a registrant's enrollment, employment or vocation at any
314 public or private educational institution, including any secondary
315 school, trade or professional institution, or institution of
316 higher education shall be reported to the department by personally
317 appearing at a facility designated by the Department of Public
318 Safety, or in a manner of the Department of Public Safety's

319 choosing, including by electronic means, within three (3) business
320 days of the change.

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

326 (vii) Upon any change of name or employment, a
327 registrant is required to personally appear at a facility
328 designated by the Department of Public Safety, or in a manner of
329 the Department of Public Safety's choosing, including by
330 electronic means, within three (3) business days of the change.

331 (viii) Upon any change of vehicle information, a
332 registrant is required to report the change on an appropriate form
333 supplied by the department within three (3) business days of the
334 change.

335 (ix) Upon any change of e-mail address or
336 addresses, instant message address or addresses or any other
337 designation used in Internet communications, postings or telephone
338 communications, a registrant is required to report the change on
339 an appropriate form supplied by the department within three (3)
340 business days of the change.

341 (x) Upon any change of information deemed to be
342 necessary to the state's policy to assist local law enforcement
343 agencies' efforts to protect their communities, a registrant is



344 required to report the change on an appropriate form supplied by
345 the department within three (3) business days of the change.

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

349 (c) Obtain or facilitate the obtaining of a biological
350 sample from every registrant as required by this chapter if such
351 biological sample has not already been provided to the Mississippi
352 Forensics Laboratory.

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

355 **SECTION 5.** This act shall take effect and be in force from
356 and after July 1, 2026.

