

Chapter No. 521
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CH. 1 PT. 1

SENATE BILL NO. 2732

Originated in Senate *Lepore* Secretary

SENATE BILL NO. 2732

AN ACT TO CREATE LENORA'S LAW; TO PROVIDE FOR ELECTRONIC TRACKING OF CERTAIN SEX OFFENDERS; TO AMEND SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS UNDER THE SEX OFFENDER REGISTRATION ACT; TO AMEND SECTION 45-33-25, MISSISSIPPI CODE OF 1972, TO CORRECT AN INADVERTENT OMISSION IN SENATE BILL NO. 2032, 2011 REGULAR SESSION AND TO CLARIFY THE DUTY TO UPDATE REGISTRATION INFORMATION; TO AMEND SECTION 45-33-47, MISSISSIPPI CODE OF 1972, TO REVISE AND CLARIFY THE RANKING OF SEX OFFENSES INTO TIERS ACCORDING TO THE SEVERITY OF THE OFFENSE AND TO REQUIRE ELECTRONIC TRACKING OF OFFENDERS WHO VIOLATE THEIR DUTY TO REGISTER; TO CREATE NEW SECTION 45-33-45, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO DEVISE, TEST, IMPLEMENT AND CONTRACT FOR A POST RELEASE AND PRETRIAL MONITORING SYSTEM FOR SEX OFFENDERS WHO DO NOT COMPLY WITH SEX OFFENDER REGISTRY REQUIREMENTS; TO AMEND 45-33-31, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTY TO REREGISTER; TO AMEND SECTION 45-33-33, MISSISSIPPI CODE OF 1972, TO INCLUDE A VIOLATION OF THE DUTY TO SUBMIT TO ANY REQUIRED ELECTRONIC MONITORING AS A VIOLATION UNDER THE SEX OFFENDER REGISTRATION CHAPTER; TO AMEND SECTION 45-33-36, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL LAW ENFORCEMENT TO NOTIFY RESIDENTS; AND FOR RELATED PURPOSES.

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

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

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

(a) "Conviction" * * * means that, regarding the person's offense, there has been a determination or judgment of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere regardless of whether adjudication is withheld. "Conviction of similar offenses" includes, but is not limited to, a conviction by a federal or military tribunal, including a court-martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian Reservation or other federal property, a conviction in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5) (B) Public Law 109-248.

(b) "Department" means the Mississippi Department of Public Safety unless otherwise specified.

(* * * c) "Jurisdiction" means any court or locality including any state court, federal court, military court, Indian tribunal or foreign court, the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands,

and Indian tribes that elect to function as registration jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh Child Safety Act.

(* * *d) "Permanent residence" * * * means a place where the person abides, lodges, or resides for a period of fourteen (14) or more consecutive days.

(* * *e) "Registration" means providing information to the appropriate agency within the time frame specified as required by this chapter.

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

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

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

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

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

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

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

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

(vii) For a criminal sex offender who is being released from a jurisdiction outside this state or who has a prior conviction in another jurisdiction and who is to reside, work or attend school in this state, the responsible agency is both the sheriff of the proposed county of residence and the department.

(* * *h) "Sex offense" or "registrable offense" means any of the following offenses:

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

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

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

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

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

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

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

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

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

(x) Section 97-29-3 relating to sexual intercourse between teacher and student;

(* * *xi) Section 97-29-59 relating to unnatural intercourse;

* * *

(xii) Section 43-47-18 relating to sexual abuse of a vulnerable * * * person;

(xiii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor and Section 97-3-54.3 relating to aiding, abetting or conspiring to violate Section 97-3-54.1(1)(c);

(xiv) Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;

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

(xvi) Section 97-29-45(1)(a) relating to obscene electronic communication;

(xvii) Section 97-3-104 relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners;

(xviii) Section 97-5-39(1)(c) relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused;

(* * *xix) Section 97-1-7 relating to attempt to commit any of the above-referenced offenses;

(* * *xx) Any other offense resulting in a conviction in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere;

(* * *xxi) Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had;

(* * *xxii) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section;

(* * *xxiii) Capital murder when one (1) of the above-described offenses is the underlying crime.

(* * *i) "Temporary residence" is defined as any place where the person abides, lodges, or resides for a period of seven (7) or more consecutive days which is not the person's permanent residence.

* * *

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

45-33-25. (1) (a) Any person having a permanent or temporary residence in this state or who is employed or attending school in this state who has been convicted of a registrable offense in this state or another jurisdiction or who has been acquitted by reason of insanity of a registrable offense in this state or another jurisdiction shall register with the responsible

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

(b) Any person having a permanent or temporary residence or who is employed or attending school in this state who has been adjudicated delinquent for a registrable sex offense listed in this paragraph that involved use of force against the victim shall register as a sex offender with the responsible agency and shall personally appear at a Mississippi Department of

Public Safety Driver's License Station within three (3) business days of registering with the responsible agency:

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

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

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

or

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

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

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

(b) Street address of all current permanent and temporary residences within state or out of state at which the sex offender resides or habitually lives, including dates of temporary lodgings * * *. There is a presumption that a registrant owes a duty of updating registration information if:

(i) The registrant remains away from a registered address for seven (7) or more consecutive days; or

(ii) If the registrant remains at another address between the hours of 10:00 p.m. and 6:00 a.m. for more than seven (7) consecutive days;

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

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

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

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

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

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

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

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

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

(l) Anticipated future residence;

(m) If the registrant's residence is a motor vehicle, trailer, mobile home or manufactured home, the registrant shall also provide vehicle identification number, license tag number, registration number and a description, including color scheme, of the motor vehicle, trailer, mobile home or manufactured home; if the registrant's place of residence is a vessel or houseboat, the

registrant shall also provide the hull identification number, manufacturer's serial number, name of the vessel or houseboat, registration number and a description, including color scheme, of the vessel or houseboat, including permanent or frequent locations where the motor vehicle, trailer, mobile home, manufactured home, vessel or houseboat is kept;

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

(o) Offense history;

(p) Photograph;

(q) Fingerprints and palm prints;

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

(s) Biological sample;

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

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

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

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

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

(y) Information from passport and immigration documents;

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

(aa) Any other information deemed necessary.

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

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

(b) A person residing within * * * three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this subsection if any of the following apply:

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

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

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

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

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

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

(c) A person residing within * * * three thousand (3,000) feet of the real property comprising a residential child-caring agency, a children's group care home or any

playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years does not commit a violation of this subsection if any of the following apply:

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

(ii) The residential child-caring agency, * * * children's group care home, playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years is established within * * * three thousand (3,000) feet of the person's residence subsequent to the date the person established residency.

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

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

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

SECTION 3. Section 45-33-47, Mississippi Code of 1972, is amended as follows:

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

(2) A person * * * required to register for a registrable sex offense under Section 45-33-25 may petition the circuit court of the sentencing jurisdiction, or for a person whose duty to register arose in another jurisdiction, the county in which the registrant resides, to be relieved of that duty under the following conditions:

(a) The offender has maintained his registration in Mississippi for the required minimum registration from the most recent date of occurrence of at least one (1) of the following: release from prison, placement on parole, supervised release or probation or as determined by the offender's tier classification. Incarceration for any offense will restart the minimum registration requirement. Registration in any other jurisdiction does not reduce the minimum time requirement for maintaining registration in Mississippi.

(b) **Tier One.** (i) Tier One requires registration for a minimum of fifteen (15) years in this state and includes any of the following listed registrable sex offenses:

1. Section 97-5-27(1) relating to dissemination of sexually oriented material to children * * *;
2. Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;

3. Section 97-29-3 relating to misdemeanor sexual intercourse between teacher and student;

4. Section 97-29-45(1)(a) relating to obscene electronic communication;

* * *5. Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this tier * * *;

6. Any conviction for violation of a similar law of another jurisdiction of any offense listed in this tier;

7. Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had, although registration would not be otherwise required in this state.

(ii) Notwithstanding * * * any other provision of this * * * chapter, an offender may petition the appropriate circuit court to be relieved of the duty to register upon fifteen (15) years' satisfaction of the requirements of this section for the convictions classified as Tier One offenses.

(c) **Tier Two.** (i) Tier Two requires registration for a minimum of twenty-five (25) years in this state and includes any of the following listed registrable sex offenses:

1. Section 97-5-33(3) through (9) relating to the exploitation of children;

2. Section 97-29-59 relating to unnatural intercourse;

3. Section 97-29-63, relating to filming another without permission where there is an expectation of privacy;

4. Section 97-3-104 relating to crime of sexual activity between law enforcement or correctional personnel and prisoners;

* * *

* * *5. Section 43-47-18(2)(a) and (b) relating to gratification of lust or fondling by health care employees or persons in position of trust or authority;

* * *6. Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this tier;

7. Any conviction for violation of a similar law of another jurisdiction of any offense listed in this tier; or

8. Any conviction of a Tier One offense if it is the offender's second or subsequent conviction of a registrable sex offense;

(ii) Notwithstanding * * * any other provision of this * * * chapter, an offender may petition the appropriate circuit court to be relieved of the duty to register upon twenty-five (25) years' satisfaction of the requirements of this section for the convictions classified as Tier Two offenses.

(d) Tier Three. Tier Three requires lifetime registration, the registrant not being eligible to be relieved of

the duty to register except as otherwise provided in this * * *
section, and includes any of the following listed registrable sex
offenses:

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

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

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

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

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

(* * *vi) Section 97-5-41 relating to the carnal
knowledge of a stepchild, adopted child or child of a cohabiting
partner;

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

(* * *viii) Section 97-3-54.1(1)(c) relating to
procuring sexual servitude of a minor;

(* * *ix) Section 97-3-54.3 relating to aiding,
abetting or conspiring to violate antihuman trafficking
provisions;

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

* * *

(xi) Section 43-47-18 relating to sexual abuse of a vulnerable * * * person by health care employees or persons in a position of trust or authority;

(xii) Section 97-5-39(1)(c) relating to contributing to the neglect or delinquency of a child, felonious abuse and/or battery of a child, if the victim was sexually abused;

(xiii) Capital murder when one (1) of the above described offenses is the underlying crime;

(xiv) Any conviction for violation of a similar law of another jurisdiction or designation as a sexual predator in another jurisdiction;

(xv) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this tier; or

(xvi) * * * Any conviction of a Tier Two offense if it is the offender's second or subsequent conviction of a registrable sex offense.

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

(f) An offender, twenty-one (21) years of age or older, who is convicted of any sex offense where the victim was fourteen

(14) years of age or younger shall be subject to lifetime registration and shall not be relieved of the duty to register.

(g) A first-time offender fourteen (14) years of age or older adjudicated delinquent in a youth court for * * * a registrable offense of rape pursuant to Section 96-3-65 or a registrable offense of sexual battery pursuant to Section 97-3-95 is subject to lifetime registration * * *, but shall be eligible to petition to be relieved of the duty to register after twenty-five (25) years of registration.

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

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

(3) In determining whether to release an offender from the obligation to register, the court shall consider the nature of the registrable offense committed and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction. The court may relieve the offender of the duty to register only if the petitioner shows, by clear and convincing evidence, that the registrant properly maintained his registration

as required by law and that future registration of the petitioner will not serve the purposes of this chapter and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The district attorney in the circuit in which the petition is filed must be given notice of the petition at least three (3) weeks before the hearing on the matter. The district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the petitioner may not again petition the court for relief until one (1) year has elapsed unless the court orders otherwise in its order of denial of relief.

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

(5) A person required to register as a sex offender who is convicted under Section 45-33-33 of providing false registration information or of failure to register, reregister, update registration, or comply with electronic monitoring shall be subject to electronic monitoring at the expense of the offender

under the program provided in Section 45-33-45. Termination of the duty to register also terminates the duty to be monitored.

SECTION 4. The following shall be codified as Section 45-33-45, Mississippi Code of 1972:

45-33-45. (1) The Department of Corrections may enter into a contract with a qualified vendor experienced in and capable of fulfilling the requirements of this section on a daily basis to provide a data monitoring and alert system for persons who are required to be monitored under this chapter. The initial program shall provide for monitoring upon release of the offenders listed in Section 45-33-33 or 45-33-47 as being obligated to be monitored while on bond or upon release from confinement.

(2) The system shall monitor the movement of a monitored subject through public records or other record information systems, and, at a minimum, shall provide:

(a) Time-correlated or continuous tracking of the geographic location of the monitored subject using a Global Positioning System that is based on satellite and other location technology;

(b) An automated monitoring system that can be used to permit law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and the proximity of the monitored subject to a reported crime incident; and

(c) From and after January 1, 2015, and subject to regulations promulgated by the Commissioner of Corrections, notification to:

(i) A victim or family of a victim who have registered for notification when the offender is within a specified range of the victim's or family's residence; and

(ii) Law enforcement when an offender is within the prohibited range of a school or other place where the offender is prohibited from being.

(3) The vendor shall notify the Department of Public Safety or a local law enforcement agency if a registered sex offender does any of the following:

(a) Moves from a residence or address in this state to a residence or address in another state.

(b) Moves from a residence or address in this state to another residence or address in this state.

(4) The Department of Corrections shall develop procedures to determine, investigate and report on a twenty-four-hour-per-day basis a monitored subject's noncompliance with the terms and conditions of the program, and all reports of noncompliance shall be investigated immediately by the law enforcement agency having jurisdiction that receives a report of noncompliance.

(5) (a) The system shall be installed and operational not later than January 1, 2014, following an appropriate testing period. The initial program shall consist of monitoring of the

required offenders; in the second phase, the program will provide for notification to victims who have registered for notification.

(b) The Commissioner of Corrections shall study and develop recommendations for the Legislature as to the advisability of monitoring of additional registrants not later than January 1, 2015.

(6) The Commissioner of Corrections may adopt regulations to establish fees and otherwise administer monitoring of sex offenders as required under this chapter.

(7) Notwithstanding any provision of law, rule or regulation to the contrary, the Department of Corrections, Attorney General, Department of Public Safety, Mississippi Bureau of Investigation, and federal, county and municipal law enforcement agencies may share criminal incident information with each other and the vendor selected to provide the monitoring equipment for the program for the purposes of detection and prevention of crime.

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

45-33-31. (1) (a) Registrants who are in compliance with a program of electronic monitoring under this chapter are required to reregister annually.

(b) All other registrants are required to personally appear at a Department of Public Safety Driver's License Station to reregister every ninety (90) days.

(2) Reregistration includes the submission of current information and photograph to the department and the verification of registration information, including the street address and telephone number of the registrant; name, street address and telephone number of the registrant's employment or status at a school, along with any other registration information that may need to be verified and the payment of any required fees.

(3) A person who fails to reregister and obtain a renewal sex offender registration card as required by this section commits a violation of this chapter. The Department of Public Safety will immediately notify any sheriff or other jurisdiction of any changes in information including residence address, employment and status at a school if that jurisdiction, county or municipality is affected by the change.

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

45-33-33. (1) (a) The failure of an offender to personally appear at a Department of Public Safety Driver's License Station or to provide any registration or other information, including, but not limited to, initial registration, reregistration, * * * change of address information, change of employment, change of name, * * * required notification to a volunteer organization * * * or any other registration duty or submission of information required by this chapter * * * is a violation of * * * this chapter. Additionally, forgery of information or submission

of information under false pretenses, whether by the registrant or another person, is also a violation of * * * this chapter.

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

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

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

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

(c) A registrant who is required to submit to electronic monitoring who does not comply with all the terms and conditions of the electronic monitoring commits a violation of this chapter.

(2) (a) Unless otherwise specified, a violation of this chapter shall be considered a felony and shall be punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), * * * imprisonment in the * * * custody of the Department of Corrections for not more than five (5) years, or both fine and imprisonment.

(b) A person who is required to register under this chapter who is subsequently convicted for a registration violation

under this section, upon release from incarceration, shall submit to mandatory electronic monitoring under the program established under Section 45-33-45 for a period computed by subtracting the time the person spent in actual incarceration from the five-year maximum imprisonment for the offense and the period of post-release monitoring shall not be suspended or reduced by the court or the Department of Corrections.

(3) Whenever it appears that an offender has failed to comply with the duty to register, * * * reregister or submit to electronic monitoring, the department shall promptly notify the sheriff of the county of the last-known address of the offender as well as the sheriff of the county of the last-known location of the offender, if different. Upon notification, the sheriff shall attempt to locate the offender at his last-known address or last-known location.

(a) If the sheriff locates the offender, he shall enforce the provisions of this chapter, including initiation of prosecution if appropriate. The sheriff shall then notify the department with the current information regarding the offender.

(b) If the sheriff is unable to locate the offender, the sheriff shall promptly notify the department and initiate a criminal prosecution against the offender for the failure to register, * * * reregister or comply with electronic monitoring. The sheriff shall make the appropriate transactions into the Federal Bureau of Investigation's wanted-person database and issue

a warrant for the offender's arrest. The department shall notify the United States * * * Marshals Service of the offender's noncompliant status and shall update the registry database and website to show the defendant's noncompliant status as an absconder.

(4) A violation of this chapter shall result in the arrest of the offender.

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

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

(7) The Commissioner of Public Safety or his authorized agent shall suspend the driver's license or driving privilege of any offender failing to comply with the duty to report, register or reregister, submit to monitoring, or who has provided false information.

(8) When a person required to register under this chapter is accused of any registration offense under this section, pretrial

release on bond shall be conditioned on the offender's submission to electronic monitoring under the program established under Section 45-33-45.

SECTION 7. Section 45-33-36, Mississippi Code of 1972, is amended as follows:

45-33-36. (1) Upon receipt of sex offender registration or change of registration information, the Department of Public Safety shall immediately provide the information to:

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

(b) The sheriff of the county * * * and the chief law enforcement officer of any other jurisdiction where the offender resides, lodges, is an employee or is a student or intends to reside, work, attend school or volunteer;

(c) The sheriff of the county * * * and the chief law enforcement officer of any other jurisdiction from which or to which a change of residence, employment or student status occurs;

(d) The Department of Human Services and any other social service entities responsible for protecting minors in the child welfare system;

(e) The probation agency that is currently supervising the sex offender;

(f) Any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 USC 5119(a));

(g) Each school and public housing agency in each jurisdiction in which the sex offender resides, is an employee or is a student;

(h) All prosecutor offices in each jurisdiction in which the sex offender resides, is an employee, or is a student; and

(i) Any other agencies with criminal investigation, prosecution or sex offender supervision functions in each jurisdiction in which the sex offender resides, is an employee, or is a student.

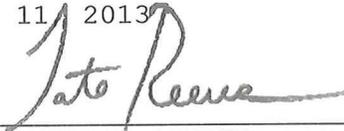
(2) The Department of Public Safety shall post changes to the public registry website within three (3) business days. Electronic notification will be available via the Internet to all law enforcement agencies, to any volunteer organizations in which contact with minors or vulnerable adults might occur and any organization, company or individual who requests notification pursuant to procedures established by the Department of Public Safety. This provision shall take effect upon the state's receipt and implementation of the Department of Justice software in compliance with the provisions of the Adam Walsh Act.

(3) From and after July 1, 2015, local jurisdictions receiving notification and that have the ability may notify residents when a sex offender begins residing, lodges, becomes employed, volunteers or attends school or intends to reside, lodge, work, attend school or volunteer in the area by using a

website, social media, print media, e-mail or may provide a link to the Department of Public Safety website.

SECTION 8. This act shall take effect and be in force from and after January 1, 2014, and shall apply to registration and monitoring offenses committed on or after that date.

PASSED BY THE SENATE
February 11, 2013



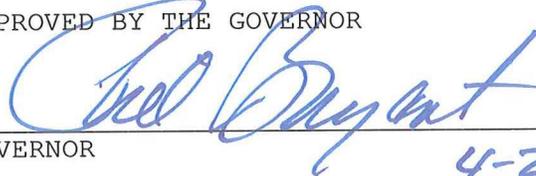
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 7, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

4-23-13
10:44am