MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Currie

To: Judiciary B

HOUSE BILL NO. 147

AN ACT TO CREATE A REGISTRY OF PERSONS WHO HAVE COMMITTED AN OFFENSE AGAINST A PEACE OFFICER, INCLUDING AN ACT OF TERRORISM UNDER THE LAWS OF ANOTHER STATE OR FEDERAL LAW; TO DEFINE CERTAIN TERMS; TO PROVIDE THAT THE INFORMATION RECEIVED BY LOCAL LAW ENFORCEMENT AGENCIES UNDER THIS ACT SHALL BE FORWARDED TO THE MISSISSIPPI BUREAU OF INVESTIGATION FOR INCLUSION IN A CENTRAL REGISTRY; TO MAKE IT UNLAWFUL TO FAIL TO REGISTER UNDER THIS ACT IF REQUIRED TO; AND FOR RELATED PURPOSES.

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

SECTION 1. For the purposes of this act, the following terms shall have the meanings ascribed in this section, unless the context clearly indicates otherwise:

(1) "Bureau" means the Mississippi Bureau of Investigation of the Department of Public Safety.

(2) "Offense against a peace officer" means any of the following:

(a) Disarming of a peace officer.

(b) Aggravated assault upon a peace officer.

(c) Any of the following criminal offenses when the peace officer is engaged in the performance of his or her lawful

duties, or when the specific intent to commit the offense is directly related to the victim's status as a peace officer:

(i) Solicitation for murder;

(ii) First degree murder;

(iii) Second degree murder;

(iv) Manslaughter;

(v) Aggravated battery;

(vi) Second degree battery;

(vii) Aggravated second degree battery;

(viii) Second degree kidnapping;

(ix) Simple kidnapping;

(x) Extortion;

(xi) Assault by drive-by shooting;

(xii) Illegal use of weapons or dangerous instrumentalities;

(xiii) Terrorism;

(xiv) Aggravated assault with a firearm.

(d) A conviction for the offense under the laws of another state or federal law which is equivalent to an offense provided for in this subsection (2), or in the case where Mississippi does not have a state criminal offense such as terrorism.

(3) "Peace officer" means any peace officer, and includes any constable, marshal, deputy marshal, sheriff, deputy sheriff,

commissioned police officer, commissioned wildlife enforcement agent, and federal law enforcement officer.

SECTION 2. (1) Any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of any offense against a peace officer as defined in Section 1 of this act shall register within ten (10) days of establishing residence in Mississippi, or if a current resident, within ten (10) days after release from confinement with the sheriff of the county of the person's residence and with the chief of police if the address of the residence is located in an incorporated area which has a police department.

(2) Any person required to register pursuant to this section shall provide the law enforcement agency as required by subsection (1) of this section with his name, address of offender's place of residence upon release from confinement, date of birth, social security number, any aliases used by the offender, crime for which the offender was convicted which gave rise to the requirement to register under the provisions of this section, and date and place of conviction. The sheriff of every county and the chief of police of each municipality shall also record the fingerprints of all persons who register with those law enforcement agencies in accordance with this section.

(3) The law enforcement agency that receives information in accordance with the provisions of this section shall forward such

information to the bureau for inclusion in a central registry as provided in this act within five (5) days of receiving such information.

(4) Any person required to register pursuant to this section shall maintain his registration for a period of ten (10) years.

SECTION 3. When a person who is required to register under the provisions of this act is released from prison, or placed under parole, supervised release, or probation, the Department of Corrections shall inform the person of the duty to register and shall obtain the information required for such registration and within five (5) days of obtaining the necessary information, shall transmit this information to the bureau for inclusion in a central registry as provided in this act. The department shall also record the fingerprints of the person if they have not already been obtained.

SECTION 4. (1) The bureau shall establish and maintain a central registry to collect and disseminate information regarding those offenders who are required to register in accordance with this act. The bureau shall provide the information to all law enforcement agencies in this state who request such information in an effort to assist in the prevention of violence and protection of peace officers.

(2) Once each year, the bureau shall mail a nonforwardable verification form, not less than five (5) days prior to the anniversary of the date of the offender's initial registration, to

the last reported address of each person subject to the provisions of this section. The person subject to registration shall mail the verification to the bureau within ten (10) days of receipt of the verification form. If the bureau does not receive the verification form within thirty (30) days, the bureau shall immediately notify the sheriff of the county in which the person's last reported address of residence is located.

SECTION 5. Any person who fails to register as required by this act is guilty of a misdemeanor and shall, upon conviction, be fined not more than Five Hundred Dollars ($500.00), imprisoned for not less than thirty (30) days nor more than ninety (90) days, or both.

SECTION 6. No person shall have a cause of action against a law enforcement agency or an employee thereof for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this act. This limitation shall not apply to any loss or damage caused by the willful and wanton act or gross negligence of the agency or employee.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.