

House Bill 407

By: Representatives Buckner of the 95th, Randall of the 127th, Sims of the 167th, Manning of the 32nd and Seay of the 93rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to crimes
2 against property, so as to redefine the offense of criminal trespass; to provide that certain
3 persons convicted of certain sexual offenses shall be guilty of criminal trespass upon
4 knowing and unauthorized entry into a school safety zone; to amend Title 42 of the Official
5 Code of Georgia Annotated, relating to penal institutions, so as to provide that such entry by
6 a person on parole after conviction of certain sexual offenses shall constitute a violation of
7 parole and to provide for notice to such offenders before release on parole; to provide for
8 notice to persons classified as sexually violent predators that such entry by a sexually violent
9 predator is criminal trespass; to provide for related matters; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against
14 property, is amended in Code Section 16-7-21, relating to criminal trespass, by inserting a
15 new subsection to be designated subsection (b.1) to read as follows:

16 "(b.1) A person who is a sexual predator, as defined in Code Section 42-1-12, or a sexual
17 offender on parole, as defined in Code Section 42-9-44.1, commits criminal trespass when
18 he or she knowingly and without authority enters the school safety zone, as defined in Code
19 Section 16-11-127.1, of any public or private school in this state."

20 style="text-align:center">**SECTION 2.**

21 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
22 in Code Section 42-1-12, relating to the state sexual offender registry, by striking in its
23 entirety paragraph (3) of subsection (b) and inserting in lieu thereof the following:

1 "(3)(A) If a person who is required to register under this Code section is released from
2 prison or placed on parole, supervised release, or probation, the appropriate state
3 official shall:

4 (i) Inform the person of the duty to register and obtain the information required under
5 subparagraph (A) of paragraph (1) of this subsection for such registration;

6 (ii) Inform the person that, if the person changes residence address, the person shall
7 give the new address to the sheriff with whom the person last registered, not later than
8 ten days after the change of address. Following such notification, the sheriff's office
9 shall notify immediately the Georgia Bureau of Investigation through the Criminal
10 Justice Information System (CJIS) of each change of residence address;

11 (iii) Inform the person that the person must register in any state where the person is
12 employed or carries on a vocation or is a student;

13 (iv) Inform the person that, if the person changes residence to another state, the
14 person shall register the new address with the sheriff with whom the person last
15 registered, and that the person shall also register with a designated law enforcement
16 agency in the new state not later than ten days after establishing residence in the new
17 state;

18 (v) Obtain fingerprints and a photograph of the person if such fingerprints and
19 photograph have not already been obtained in connection with the offense that
20 triggered the initial registration; ~~and~~

21 (vi) Require the person to read and sign a form stating that the duty of the person to
22 register under this Code section has been explained. A copy of this form and any
23 other registration information furnished by the Department of Corrections shall be
24 forwarded to the Georgia Bureau of Investigation; and

25 (vii) Inform any person who is classified as a sexually violent predator that he or she
26 shall be guilty of criminal trespass under Code Section 16-7-21 if he or she knowingly
27 and without authority enters the school safety zone, as defined in Code Section
28 16-11-127.1, of any public or private school in this state; require such person to read
29 and sign a form stating that this provision has been explained; and cause a copy of this
30 form to be forwarded to the Georgia Bureau of Investigation.

31 (B) In addition to the requirements of subparagraph (A) of this paragraph, for a person
32 required to register under subparagraph (B) of paragraph (1) of this subsection, the
33 appropriate state official shall obtain the name of the person; descriptive physical and
34 behavioral information to assist law enforcement personnel in identifying the person;
35 known current or proposed residence addresses of the person; place of employment, if
36 any; offense history of the person; and documentation of any treatment received for any
37 mental abnormality or personality disorder of the person; provided, however, that the

1 appropriate state official shall not be required to obtain any information already on the
2 criminal justice information system of the Georgia Crime Information Center.

3 (C) The Georgia Crime Information Center shall create criminal justice information
4 system network transaction screens by which appropriate state officials shall enter
5 original data required by this Code section. Screens shall also be created for sheriffs'
6 offices for the entry of record confirmation data, changes of residence, and employment
7 or other pertinent data and to assist in offender identification.

8 (D) Any person changing residence from another state or territory of the United States
9 to Georgia who is required to register under federal law or the laws of another state or
10 territory or who has been convicted of an offense in another state or territory which
11 would require registration under this Code section if committed in this state shall
12 comply with the registration requirements of this Code section. Such person shall
13 register the new address and employment information with the sheriff of the county of
14 new residence not later than ten days after the date of establishing residency in this
15 state. Upon the person's registration with the sheriff of the county of new residence,
16 the sheriff or his or her designee shall forward the registration information to the
17 Georgia Bureau of Investigation. The sheriff or his or her designee shall obtain any
18 needed information concerning the registrant, including fingerprints and a photograph
19 of the person if such fingerprints and photograph have not previously been obtained
20 within the State of Georgia. In addition, the sheriff or his or her designee shall inform
21 the person of the duty to report any change of address as otherwise required in this
22 Code section. The Georgia Bureau of Investigation shall forward such information in
23 the manner described in subsection (c) of this Code section.

24 (E) The following persons are also required to register:

25 (i) Any nonresident who enters this state for the purpose of employment for a period
26 exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days
27 during any calendar year and who is required to register under federal law, military
28 law, or the laws of another state or territory, which, based on an act, would require
29 registration under this Code section; or

30 (ii) Any nonresident who enters this state for the purpose of attending school as a
31 full-time or part-time student and who is required to register under federal law,
32 military law, or the laws of another state or territory, which, based on an act, would
33 require registration under this Code section.

34 Any person required to register by this subparagraph shall not later than ten days after
35 the person enters the state register with the sheriff of the county of his or her temporary
36 address, with the sheriff of the county of his or her employment, and with the sheriff
37 of the county in which the person is attending school. The information registered shall

1 include the person's temporary address, permanent address in the person's state of
2 residence, employment address, or school address. Upon the person's registration, the
3 sheriff or the sheriff's designee shall forward the registration information to the Georgia
4 Bureau of Investigation. The sheriff or the sheriff's designee shall obtain the
5 fingerprints and photograph of the person, if the person's fingerprints and photograph
6 have not previously been obtained in Georgia. The sheriff or the sheriff's designee
7 shall inform the person of his or her duty to report any change in temporary residence,
8 permanent residence, employment address, or school address."

9 **SECTION 3.**

10 Said title is further amended in Code Section 42-9-44.1, relating to parole conditions for
11 sexual offenders, by inserting a new subsection to be designated subsection (g) to read as
12 follows:

13 "(g) The board shall adopt rules providing that with respect to any person who has been
14 convicted of a sexual offense, as a condition of parole, the offender shall be ordered to
15 avoid entering the school safety zone, as defined in Code Section 16-11-127.1, of any
16 public or private school in this state and providing that entering such a school safety zone
17 knowingly and without authority shall constitute a violation of parole. Before his or her
18 release on parole after conviction of a sexual offense, the offender shall be informed of the
19 provisions of this subsection and Code Section 16-7-21."

20 **SECTION 4.**

21 All laws and parts of laws in conflict with this Act are repealed.