

The House Committee on Special Judiciary offers the following substitute to HB 407:

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 or offenses against victims who are minors shall
4 be guilty of criminal trespass upon knowing and unauthorized entry into a school safety zone;
5 to provide exceptions; to amend Title 42 of the Official Code of Georgia Annotated, relating
6 to penal institutions, so as to provide that such entry by a person on parole after conviction
7 of an offense which requires registration under Code Section 42-1-12 shall constitute a
8 violation of parole and to provide for notice to such offenders before release on parole; to
9 provide for notice to persons required to register under Code Section 42-1-12 that such entry
10 by a sexually violent predator is criminal trespass; to provide for related matters; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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:
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17 "(b.1) A person who is a sexually violent predator, as defined in Code Section 42-1-12; a
18 sexual offender on parole, as defined in Code Section 42-9-44.1; or a person who has been
19 convicted of a criminal offense against the victim, who is a minor, or who is convicted of
20 a sexually violent offense and who is required to register pursuant to the provisions of Code
21 Section 42-1-12 commits criminal trespass when he or she knowingly and without
22 authority enters the school safety zone, as defined in Code Section 16-11-127.1, of any
23 public or private school in this state; provided, however, that the provisions of this
24 subsection shall not apply to a sexually violent predator or other person required to register
25 under Code Section 42-1-12 if such person enters or passes through a school safety zone
26 for employment purposes, in the ordinary course of transacting lawful business, while

1 transporting one or more students to or from school or a school function, to reach a
 2 destination the most direct route to which requires passage through the school safety zone,
 3 pursuant to specific authorization by the administration of the school located in such zone,
 4 or to visit for lawful purposes a resident located within a school safety zone."

5 SECTION 2.

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

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

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

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

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

21 (iv) Inform the person that, if the person changes residence to another state, the
 22 person shall register the new address with the sheriff with whom the person last
 23 registered, and that the person shall also register with a designated law enforcement
 24 agency in the new state not later than ten days after establishing residence in the new
 25 state;

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

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

33 (vii) Inform any person who is classified as a sexually violent predator or who is
 34 required to register under this Code section that he or she shall be guilty of criminal
 35 trespass under Code Section 16-7-21 if he or she knowingly and without authority
 36 enters the school safety zone, as defined in Code Section 16-11-127.1, of any public

1 or private school in this state unless otherwise authorized under subsection (b.1) of
2 Code Section 16-7-21; require such person to read and sign a form stating that this
3 provision has been explained; and cause a copy of this form to be forwarded to the
4 Georgia Bureau of Investigation.

5 (B) In addition to the requirements of subparagraph (A) of this paragraph, for a person
6 required to register under subparagraph (B) of paragraph (1) of this subsection, the
7 appropriate state official shall obtain the name of the person; descriptive physical and
8 behavioral information to assist law enforcement personnel in identifying the person;
9 known current or proposed residence addresses of the person; place of employment, if
10 any; offense history of the person; and documentation of any treatment received for any
11 mental abnormality or personality disorder of the person; provided, however, that the
12 appropriate state official shall not be required to obtain any information already on the
13 criminal justice information system of the Georgia Crime Information Center.

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

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

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

36 (i) Any nonresident who enters this state for the purpose of employment for a period
37 exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days

1 during any calendar year and who is required to register under federal law, military
 2 law, or the laws of another state or territory, which, based on an act, would require
 3 registration under this Code section; or

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

8 Any person required to register by this subparagraph shall not later than ten days after
 9 the person enters the state register with the sheriff of the county of his or her temporary
 10 address, with the sheriff of the county of his or her employment, and with the sheriff
 11 of the county in which the person is attending school. The information registered shall
 12 include the person's temporary address, permanent address in the person's state of
 13 residence, employment address, or school address. Upon the person's registration, the
 14 sheriff or the sheriff's designee shall forward the registration information to the Georgia
 15 Bureau of Investigation. The sheriff or the sheriff's designee shall obtain the
 16 fingerprints and photograph of the person, if the person's fingerprints and photograph
 17 have not previously been obtained in Georgia. The sheriff or the sheriff's designee
 18 shall inform the person of his or her duty to report any change in temporary residence,
 19 permanent residence, employment address, or school address."

20 SECTION 3.

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

24 "(g) The board shall adopt rules providing that with respect to any person who has been
 25 convicted of a sexual offense or an offense which requires registration pursuant to Code
 26 Section 42-1-12, as a condition of parole, the offender shall be ordered to avoid entering
 27 the school safety zone, as defined in Code Section 16-11-127.1, of any public or private
 28 school in this state and providing that entering such a school safety zone knowingly and
 29 without authority shall constitute a violation of parole unless such entry is otherwise
 30 authorized under subsection (b.1) of Code Section 16-7-21. Before his or her release on
 31 parole after conviction of a sexual offense or an offense which requires registration
 32 pursuant to Code Section 42-1-12, the offender shall be informed of the provisions of this
 33 subsection and Code Section 16-7-21."

34 SECTION 4.

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