

The Senate Judiciary Committee offered the following substitute to HB 463:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the
2 state sexual offender registry, so as to change the provisions relating to registration
3 requirements applicable to certain sex offenders; to include additional offenses relating to
4 victims who are minors; to clarify language for annual registration; to revise language
5 referring to registration while incarcerated; to provide for annual photographs of offenders
6 at the time of annual registration; to provide for exclusions of certain liability in certain
7 circumstances; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the state sexual
12 offender registry, is amended by striking the Code section and inserting in lieu thereof a new
13 Code section to read as follows:

14 "42-1-12.

15 (a) As used in this Code section, the term:

16 (1) 'Appropriate state official' means:

17 (A) With respect to an offender who is sentenced to probation without any sentence of
18 incarceration in the state prison system or who is sentenced pursuant to Article 3 of
19 Chapter 8 of this title, relating to first offenders, the Division of Probation of the
20 Department of Corrections;

21 (B) With respect to an offender who is sentenced to a period of incarceration in a
22 prison under the jurisdiction of the Department of Corrections and who is subsequently
23 released from prison or placed on probation, the commissioner of corrections or his or
24 her designee; and

25 (C) With respect to an offender who is placed on parole, the chairperson of the State
26 Board of Pardons and Paroles or his or her designee.

1 (2) 'Board' means the Sexual Offender Registration Review Board.

2 (2.1) 'Change in enrollment status' or 'change in employment status' means the
3 commencement or termination of enrollment or employment.

4 (2.2) 'Change in vocation status' means the commencement or termination of a vocation.

5 (3) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding
6 of guilty of a crime, a plea of guilty, or a plea of nolo contendere. Unless otherwise
7 required by federal law, a defendant who is discharged without adjudication of guilt and
8 who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of
9 this title, relating to first offenders, shall not be subject to the registration requirements
10 of this Code section.

11 (4)(A) 'Criminal offense against a victim who is a minor' with respect to convictions
12 occurring on or before June 30, 2001, means any criminal offense under Title 16 or any
13 offense under federal law or the laws of another state or territory of the United States
14 which consists of:

- 15 (i) Kidnapping of a minor, except by a parent;
- 16 (ii) False imprisonment of a minor, except by a parent;
- 17 (iii) Criminal sexual conduct toward a minor;
- 18 (iv) Solicitation of a minor to engage in sexual conduct;
- 19 (v) Use of a minor in a sexual performance;
- 20 (vi) Solicitation of a minor to practice prostitution; or
- 21 (vii) Any conviction resulting from an underlying sexual offense against a victim
22 who is a minor.

23 (B) 'Criminal offense against a victim who is a minor' with respect to convictions
24 occurring after June 30, 2001, means any criminal offense under Title 16 or any offense
25 under federal law or the laws of another state or territory of the United States which
26 consists of:

- 27 (i) Kidnapping of a minor, except by a parent;
- 28 (ii) False imprisonment of a minor, except by a parent;
- 29 (iii) Criminal sexual conduct toward a minor;
- 30 (iv) Solicitation of a minor to engage in sexual conduct;
- 31 (v) Use of a minor in a sexual performance;
- 32 (vi) Solicitation of a minor to practice prostitution;
- 33 (vii) Use of a minor to engage in any sexually explicit conduct to produce any visual
34 medium depicting such conduct;
- 35 (viii) Creating, publishing, selling, ~~or distributing,~~ or possessing any material
36 depicting a minor or a portion of a minor's body engaged in sexually explicit conduct;

1 (ix) Transmitting, making, selling, buying, or disseminating by means of a computer
 2 any descriptive or identifying information regarding a child for the purpose of
 3 offering or soliciting sexual conduct of or with a child or the visual depicting of such
 4 conduct; ~~or~~

5 (x) Conspiracy to transport, ship, receive, or distribute visual depictions of minors
 6 engaged in sexually explicit conduct; or

7 ~~(x)~~(xi) Any conduct which, by its nature, is a sexual offense against a minor.

8 (C) For purposes of this paragraph, conduct which is criminal only because of the age
 9 of the victim shall not be considered a criminal offense if the perpetrator is 18 years of
 10 age or younger.

11 (4.1) 'Institution of higher education' means a community college, state university, state
 12 college, or independent postsecondary institution.

13 (5) 'Mental abnormality' means a congenital or acquired condition of a person that affects
 14 the emotional or volitional capacity of the person in a manner that predisposes that person
 15 to the commission of criminal sexual acts to a degree that makes the person a menace to
 16 the health and safety of other persons.

17 (6) 'Predatory' means an act directed at a stranger or a person with whom a relationship
 18 has been established or promoted for the primary purpose of victimization.

19 (7) 'Sexually violent offense' means a conviction for violation of Code Section 16-6-1,
 20 relating to rape; Code Section 16-6-2, relating to aggravated sodomy; Code Section
 21 16-6-4, relating to aggravated child molestation; or Code Section 16-6-22.2, relating to
 22 aggravated sexual battery; or an offense that has as its element engaging in physical
 23 contact with another person with intent to commit such an offense; or a conviction in a
 24 federal court, military court, tribal court, or court of another state or territory for any
 25 offense which under the laws of this state would be classified as a violation of a Code
 26 section listed in this paragraph.

27 (8) 'Sexually violent predator' means a person who has been convicted on or after July
 28 1, 1996, of a sexually violent offense and who suffers from a mental abnormality or
 29 personality disorder or attitude that places the person at risk of perpetrating any future
 30 predatory sexually violent offenses.

31 (9) 'Vocation' means any sort of full-time, part-time, or volunteer employment with or
 32 without compensation exceeding 14 consecutive days or for an aggregate period of time
 33 exceeding 30 days during any calendar year.

34 (b)(1)(A)(i) On and after July 1, 1996, a person who is convicted of a criminal
 35 offense against a victim who is a minor or who is convicted of a sexually violent
 36 offense shall register within ten days after his or her release from prison or placement
 37 on parole, supervised release, or probation his or her name and current address; place

1 of employment and vocation, if any; the crime of which convicted; school name and
2 address, if any; and the date released from prison or placed on parole, supervised
3 release, or probation with the appropriate sheriff's office as specified in subsection (c)
4 of this Code section in the county where such person will reside for the time period
5 specified in subsection (g) of this Code section.

6 (ii) A person who has previously been convicted of a criminal offense against a
7 victim who is a minor or who has previously been convicted of a sexually violent
8 offense and who is released from prison or placed on parole, supervised release, or
9 probation on or after July 1, 1996, shall register within ten days after such release or
10 placement his or her name and current address; place of employment and vocation,
11 if any; the crime of which convicted; school name and address, if any; and the date
12 released from prison or placed on parole, supervised release, or probation with the
13 appropriate sheriff's office as specified in subsection (c) of this Code section in the
14 county where such person will reside for the time period specified in subsection (g)
15 of this Code section.

16 (iii) On and after July 1, 1999, any resident of Georgia who is convicted under the
17 laws of another state or territory, under the laws of the United States, under the
18 Uniform Code of Military Justice, or in a tribal court of a sexually violent offense or
19 a criminal offense against a victim who is a minor shall register within ten days after
20 his or her release from prison or placement on parole, supervised release, or
21 probation. The information such an offender is required to register shall include his
22 or her name and current address; place of employment and vocation, if any; the crime
23 of which convicted; school name and address, if any; and the date released from
24 prison or placed on parole, supervised release, or probation. Such an offender shall
25 register with the appropriate sheriff's office as specified in subsection (c) of this Code
26 section in the county where such person will reside for the time period specified in
27 subsection (g) of this Code section.

28 (B) A person who is a sexually violent predator shall register within ten days after his
29 or her release from prison or placement on parole, supervised release, or probation the
30 information required under subparagraph (A) of this paragraph with the appropriate
31 sheriff's office as specified in subsection (c) of this Code section in the county where
32 such person will reside. The sheriff may prepare a list of such sexual predators
33 providing each person's name, address, and photograph. The sheriff shall update the
34 list periodically and may post such list in a prominent and visible location in the
35 sheriff's office and each city hall or primary administration building of every
36 incorporated municipality within the county. Such list shall also be made available

1 upon request to any public or private elementary, secondary, or postsecondary school
2 or educational institution located in the county.

3 (2)(A) Upon a determination that an offender is guilty of a sexually violent offense, the
4 court may request a report from the Sexual Offender Registration Review Board as to
5 the likelihood that the offender suffers from a mental abnormality or personality
6 disorder that would make the person likely to engage in a predatory sexually violent
7 offense. The report shall be requested as a matter of course for any offender with a
8 history of sexually violent offenses. The court shall provide the Sexual Offender
9 Registration Review Board with any information available to assist the board in
10 rendering an opinion. The board shall have 60 days from receipt of the court's request
11 to respond with its report. After receiving a recommendation from the Sexual Offender
12 Registration Review Board that a convicted sexually violent offender be classified as
13 a sexually violent predator, the sentencing court shall so inform the offender and shall
14 set a date to conduct a hearing affording the offender the opportunity to present
15 testimony or evidence relevant to the recommended classification. After the hearing
16 and within 60 days of receiving the report, the court shall issue a ruling as to whether
17 or not the offender shall be classified as a sexually violent predator. If the court
18 determines the offender to be a sexually violent predator, such fact shall be
19 communicated in writing to the appropriate state official and to the Georgia Bureau of
20 Investigation.

21 (B) The Sexual Offender Registration Review Board shall be composed of three
22 professionals licensed under Title 43 and knowledgeable in the field of the behavior and
23 treatment of sexual offenders; at least one representative from a victims' rights
24 advocacy group or agency; and at least two representatives from law enforcement, each
25 of whom is either employed by a law enforcement agency as a certified peace officer
26 under Title 35 or retired from such employment. The members of such board shall be
27 appointed by the commissioner of human resources for terms of four years. Members
28 of the board shall take office on the first day of September immediately following the
29 expired term of that office and shall serve for a term of four years and until the
30 appointment of their respective successors. No member shall serve on the board more
31 than two consecutive terms. Vacancies occurring on the board, other than those caused
32 by expiration of a term of office, shall be filled in the same manner as the original
33 appointment to the position vacated for the remainder of the unexpired term and until
34 a successor is appointed. Members shall be entitled to an expense allowance and travel
35 cost reimbursement the same as members of certain other boards and commissions as
36 provided in Code Section 45-7-21.

1 (C) The Sexual Offender Review Board shall be attached to the Department of Human
2 Resources for administrative purposes and provided there is adequate funding provided
3 shall:

4 (i) Exercise its quasi-judicial, rule-making, or policy-making functions independently
5 of the department and without approval or control of the department;

6 (ii) Prepare its budget, if any, and submit its budgetary requests, if any, through the
7 department; and

8 (iii) Hire its own personnel if authorized by the Constitution of this state or by statute
9 or if the General Assembly provides or authorizes the expenditure of funds therefor.

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

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

15 (ii) Inform the person that, if the person changes residence address, employment
16 address, vocation address, school name, school address, or enrollment status, the
17 person shall give the new information to the sheriff or sheriffs with whom the person
18 last registered and the sheriff or sheriffs of the county to which the person is changing
19 residence address, employment address, vocation address, school name, school
20 address, or enrollment status, not later than ten days after the change of information.

21 Following such notification, the sheriff's office shall notify immediately the Georgia
22 Bureau of Investigation through the Criminal Justice Information System (CJIS) of
23 each change of information;

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

26 (iv) Inform the person that, if the person changes residence to another state, the
27 person shall register the new address with the sheriff or sheriffs with whom the person
28 last registered, and that the person shall also register with a designated law
29 enforcement agency in the new state not later than ten days after establishing
30 residence in the new state;

31 (v) Obtain fingerprints and a photograph of the person if such fingerprints and
32 photograph have not already been obtained in connection with the offense that
33 triggered the initial registration; and

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

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

11 (C) The Georgia Crime Information Center shall create ~~criminal justice information~~
12 ~~system~~ the Criminal Justice Information System network transaction screens by which
13 appropriate state officials shall enter original data required by this Code section
14 including residence address, school name, school address, enrollment status, and
15 employment and vocation address and status. Screens shall also be created for sheriffs'
16 offices for the entry of record confirmation data; employment; changes of residence,
17 school, or employment; or other pertinent data and to assist in offender identification.

18 (D) Any person changing residence from another state or territory of the United States
19 to Georgia who is required to register under federal law or the laws of another state,
20 territory, or tribal authority or who has been convicted of an offense in another state,
21 territory, or tribal authority which would require registration under this Code section
22 if committed in this state shall comply with the registration requirements of this Code
23 section. Such person shall register the new address, ~~and~~ employment, and vocation
24 information with the appropriate sheriff of the county as specified in subsection (c) of
25 this Code section 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, tribal law, or the laws of another state or territory, which, based on an act, would
 3 require 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, tribal law, or the laws of another state or territory, which, based on an
 7 act, would 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 and vocation address and status, and school name, school
 14 address, and enrollment status. Upon the person's registration, the sheriff or the
 15 sheriff's designee shall forward the registration information to the Georgia Bureau of
 16 Investigation. The sheriff or the sheriff's designee shall obtain the fingerprints and
 17 photograph of the person, if the person's fingerprints and photograph have not
 18 previously been obtained in Georgia. The sheriff or the sheriff's designee shall inform
 19 the person of his or her duty to report any change in temporary residence, permanent
 20 residence, employment and vocation address and status, school name, school address,
 21 or enrollment status.

22 (4) A person who is required to register under any provision of this Code section shall:

23 (A) Report in person within ten days of release from prison, placement on probation,
 24 parole, or supervised release to the appropriate sheriff's office of the county or counties
 25 where the person resides, is employed, or attends school. A person who is so required
 26 to register must provide his or her street address to the sheriff of the person's county of
 27 residence;

28 (B) Report in person within ten days to the appropriate sheriff or sheriffs if the person
 29 changes residence address, employment address, vocation address, school name, school
 30 address, or enrollment status;

31 (C) In the event of a move to a new state, advise the sheriff of the county where the
 32 person last registered of his or her impending move within ten days of moving. He or
 33 she shall also report to the designated law enforcement agency in the new state of
 34 residence within ten days of arrival at the new residence;

35 (D) Read and sign the offender registration notification form at the time of registration;
 36 and

1 (E) Report in person to the sheriff of the person's county of residence within ten days
2 of the anniversary date of the original registration with the offender's verification form
3 from the Georgia Bureau of Investigation.

4 (c)(1) The appropriate state official shall, within three days after receipt of information
5 described in paragraph (3) of subsection (b) of this Code section, forward such
6 information to the Georgia Bureau of Investigation. Once the data is entered into the
7 ~~criminal justice information system~~ Criminal Justice Information System by the
8 appropriate state official or sheriff, the Georgia Crime Information Center, where
9 appropriate, shall immediately notify the sheriff of the person's county of residence,
10 either permanent or temporary, the sheriff of the county of employment, and the sheriff
11 of the county where the person attends school. The Georgia Bureau of Investigation shall
12 also immediately transmit the conviction data and fingerprints to the Federal Bureau of
13 Investigation. It shall be the duty of the sheriff of each county within this state to
14 maintain a register of the names and addresses of all registered offenders within the
15 sheriff's jurisdiction whose names have been provided by the Georgia Bureau of
16 Investigation to the sheriff under this Code section. The Georgia Bureau of Investigation
17 shall establish operating policies and procedures concerning record ownership, quality,
18 verification, modification, and cancellation and shall perform mail out and verification
19 duties on a quarterly basis. The Georgia Bureau of Investigation shall send each month
20 ~~criminal justice information system~~ Criminal Justice Information System network
21 messages to sheriffs listing offenders due for verification. The bureau shall also create
22 a photo image file from original entries and provide such entries to sheriffs to assist in
23 offender identification and verification.

24 (2) Any person who is required to register under this Code section and who is enrolled,
25 employed, or carries on a vocation at an institution of higher education in this state shall
26 provide the name, address, and county of each institution including each campus attended
27 and the person's position or enrollment status, as well as any change in enrollment,
28 employment, or vocation status. The requirements of this ~~This~~ paragraph shall be
29 accomplished in a manner specified in subparagraphs (b)(1)(A), (b)(1)(B), (b)(3)(A),
30 (b)(3)(D), and (b)(3)(E) of this Code section.

31 (3) The Georgia Bureau of Investigation shall establish operating policies and procedures
32 in order to provide prompt notice of offender registration and any change in status
33 information contained in paragraph (2) of this subsection to any law enforcement agency
34 having jurisdiction where an institution of higher education is located and to include
35 notification to the campus police if appropriate for the institution of higher education.
36 The law enforcement agency or agencies having jurisdiction where an institution of
37 higher education is located shall provide a statement advising the campus community

1 where law enforcement agency information may be obtained as provided by the state
 2 under 20 U.S.C. Section 1092 (f)(1) and 42 U.S.C. Section 1407 (j), concerning
 3 registered sex offenders. This information may be obtained at the law enforcement office
 4 of the institution, a local law enforcement agency with jurisdiction for the campus, or via
 5 the Georgia Bureau of Investigation's ~~Web page~~ Internet website.

6 (c.1)(1) On an annual basis, the Department of Education shall obtain from the Georgia
 7 Bureau of Investigation a complete list of the names and addresses of all registered sexual
 8 offenders and shall send such list, accompanied by a hold harmless provision, to each
 9 public elementary and secondary school in this state. In addition, the Department of
 10 Education shall provide information to each public elementary and secondary school in
 11 this state on how to access and retrieve from the Georgia Bureau of Investigation's
 12 Internet website a list of the names and addresses of all registered sexual offenders. The
 13 Department of Education shall make such information available to any private school
 14 upon request.

15 (2) The Office of School Readiness shall provide, on a ~~one-time~~ one-time basis,
 16 information to all child care programs regulated pursuant to Code Section 20-1A-5 on
 17 how to access and retrieve from the Georgia Bureau of Investigation's Internet website
 18 a list of the names and addresses of all registered sexual offenders and shall include, on
 19 a continuing basis, such information with each application for licensure.

20 (3) The Department of Human Resources shall provide, on a ~~one-time~~ one-time basis,
 21 information to all day care and group day care programs regulated pursuant to Code
 22 Section 49-5-12 on how to access and retrieve from the Georgia Bureau of Investigation's
 23 Internet website a list of the names and addresses of all registered sexual offenders and
 24 shall include, on a continuing basis, such information with each application for licensure.

25 (d)(1) For a person required to register under subparagraph (b)(1)(A) of this Code
 26 section, on each anniversary of the person's initial registration date during the period in
 27 which the person is required to register under this Code section, the following applies:

28 (A) The Georgia Bureau of Investigation shall mail a nonforwardable verification form
 29 to the last reported address of the person;

30 (B) ~~The person shall be required as a condition of parole or probation to respond~~
 31 ~~directly to the sheriff within ten days after receipt of the form~~ Upon receipt of the
 32 verification form the person shall be required to report in person to the sheriff of the
 33 person's county of residence within ten days of the anniversary date;

34 (C) The verification form stating that the person still resides at the address last reported
 35 to the Georgia Bureau of Investigation shall be signed by the person and retained by the
 36 sheriff; and

1 (D) The person shall report to the sheriff of the person's county of residence to be
 2 photographed every year within ten days of the anniversary date of the original
 3 registration; and

4 ~~(D)~~(E) If the person fails to respond directly to the sheriff within ten days after receipt
 5 of the form, the person shall be in violation of this Code section.

6 (2) The provisions of paragraph (1) of this subsection shall be applied to a person
 7 required to register under subparagraph (b)(1)(B) of this Code section, except that such
 8 person must verify the registration every 90 days after the date of the initial release on
 9 probation by the court or the initial release by the Department of Corrections or
 10 commencement of parole.

11 (e) A change of address by a person required to register under this Code section reported
 12 to the Georgia Bureau of Investigation shall be immediately reported to the sheriff of the
 13 county where the person resides as set forth in subparagraph (b)(3)(E) of this Code section.
 14 The Georgia Bureau of Investigation shall, if the person changes residence to another state,
 15 notify the law enforcement agency with which the person must register in the new state.

16 (f) A person who has been convicted of an offense which requires registration under this
 17 Code section shall register the new address with a designated law enforcement agency in
 18 another state to which the person moves not later than ten days after such person
 19 establishes residence in the new state if the new state has a registration requirement.

20 (g) A person required to register under subparagraph (b)(1)(A) of this Code section shall
 21 continue to comply with this Code section, except during ensuing periods of incarceration,
 22 during which time all registration requirements shall be stayed. Upon release from
 23 incarceration, the person shall report to the sheriff of the person's county of residence
 24 within ten days from the date of release from incarceration, until:

25 (1) Ten years have elapsed since the person was released from prison or placed on
 26 parole, supervised release, or probation; or

27 (2) For the life of that person if that person:

28 (A) Has one or more prior convictions for an offense described in subparagraph
 29 (a)(4)(A) and paragraph (7) of subsection (a) of this Code section;

30 (B) Has been convicted of an aggravated offense described in paragraph (7) of
 31 subsection (a) of this Code section; or

32 (C) Has been determined to be a sexually violent predator pursuant to subparagraph
 33 (b)(2)(A) of this Code section.

34 (h) Any person who is required to register under this Code section and who fails to comply
 35 with the requirements of this Code section or who provides false information shall be guilty
 36 of a felony and shall be punished by imprisonment for not less than one nor more than three
 37 years; provided, however, that upon the conviction of the second or subsequent offense

1 under this subsection, the defendant shall be punished by imprisonment for not less than
2 one nor more than three years or by a fine in an amount of up to \$100,000.00, or both.

3 (i) The information collected under the state registration program shall be treated as
4 private data except that:

5 (1) Such information may be disclosed to law enforcement agencies for law enforcement
6 purposes;

7 (2) Such information may be disclosed to government agencies conducting confidential
8 background checks;

9 (3) The Georgia Bureau of Investigation or any sheriff maintaining records required
10 under this Code section shall release relevant information collected under this Code
11 section that is necessary to protect the public concerning those persons required to
12 register under this Code section, except that the identity of a victim of an offense that
13 requires registration under this Code section shall not be released. In addition to any other
14 notice that may be necessary to protect the public, nothing in this Code section shall
15 prevent any sheriff from posting this information in any public building in addition to
16 those locations enumerated in subparagraph (b)(1)(B) of this Code section; and

17 (4) It shall be the responsibility of the sheriff maintaining records required under this
18 Code section to enforce the criminal provisions of this Code section. The sheriff may
19 request the assistance of the Georgia Bureau of Investigation upon his or her discretion.

20 (j) Law enforcement agencies, employees of law enforcement agencies, members of the
21 Sexual Offender Registration Review Board, and state officials shall be immune from
22 liability for good faith conduct under this Code section.

23 (k) The provisions of this Code section shall be in addition to and not in lieu of the
24 provisions of Code Section 42-9-44.1, relating to conditions for parole of sexual offenders.

25 (l) The Board of Public Safety is authorized to promulgate rules and regulations necessary
26 for the Georgia Bureau of Investigation and the Georgia Crime Information Center to
27 implement and carry out the provisions of this Code section.

28 (m) No cause of action shall arise against any real estate broker or any affiliated licensee
29 of the broker or any person or entity or its employees which own property or any person
30 or entity or its employees who provide property management services as defined in
31 paragraph (7) of Code Section 43-40-1 for the failure to disclose in any real estate
32 transaction any information which is provided or maintained or required to be provided or
33 maintained in accordance with this Code section. No cause of action shall arise against any
34 real estate broker or any affiliated licensee of the broker or any person or entity or its
35 employees which own property or any person or entity or its employees who provide
36 property management services as defined in paragraph (7) of Code Section 43-40-1 for

1 revealing any information provided or maintained or required to be provided or maintained
2 in accordance with this Code section."

3 **SECTION 2.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval.

6 **SECTION 3.**

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