

The House Committee on State Institutions and Property offers the following substitute to HB 106:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for penal institutions, so as to change certain provisions relating to the state sexual offender registry; to change provisions relating to registration requirements for offenders changing residency to this state; to change and add certain definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for penal institutions, is amended by striking in its entirety Code Section 42-1-12, relating to the state sexual offender registry, and inserting in lieu thereof the following:

"42-1-12.

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

(1) 'Appropriate ~~state~~ official' means:

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

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

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

(D) With respect to an offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

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

1 (2.1) 'Change in enrollment status' or 'change in employment status' means the
2 commencement or termination of enrollment or employment.

3 (2.2) 'Change in vocation status' means the commencement or termination of a vocation.

4 (3) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding
5 of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is
6 discharged without adjudication of guilt and who is not considered to have a criminal
7 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
8 be subject to the registration requirements of this Code section for the period of time prior
9 to the defendant's discharge after completion of his or her sentence or upon the defendant
10 being adjudicated guilty. Unless otherwise required by federal law, a defendant who is
11 discharged without adjudication of guilt and who is not considered to have a criminal
12 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
13 not be subject to the registration requirements of this Code section upon the defendant's
14 discharge.

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

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

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

- 31 (i) Kidnapping of a minor, except by a parent;
- 32 (ii) False imprisonment of a minor, except by a parent;
- 33 (iii) Criminal sexual conduct toward a minor;
- 34 (iv) Solicitation of a minor to engage in sexual conduct;
- 35 (v) Use of a minor in a sexual performance;
- 36 (vi) Solicitation of a minor to practice prostitution;

(vii) Use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct;

(viii) Creating, publishing, selling, distributing, or possessing any material depicting a minor or a portion of a minor's body engaged in sexually explicit conduct;

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

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

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

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

(D) For purposes of this paragraph, 'criminal offense against a victim who is a minor' shall not include conduct which, by its nature, is a sexual offense against a victim who is 13 years of age or older when the defendant enters a first offender plea pursuant to Article 3 of Chapter 8 of this title.

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

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

(5.1) 'Minor' means any person under the age of 18 years.

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

(7) 'Sexually violent offense' means a conviction for violation of Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to aggravated sodomy; Code Section 16-6-4, relating to aggravated child molestation; ~~or Code Section 16-6-22.2, relating to aggravated sexual battery; or an offense that has as its element engaging in physical contact with another person with intent to commit such an offense~~ Code Section 16-5-21, relating to aggravated assault with intent to rape; or a conviction in a federal court, military court, tribal court, or court of another state or territory for any offense which under the laws of this state would be classified as a violation of a Code section listed in this paragraph.

1 (8) 'Sexually violent predator' means a person who has been convicted on or after July
2 1, 1996, of a sexually violent offense and who suffers from a mental abnormality or
3 personality disorder or attitude that places the person at risk of perpetrating any future
4 predatory sexually violent offenses.

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

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

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

27 (iii) On and after July 1, 1999, any resident of Georgia who is convicted under the
28 laws of another state or territory, under the laws of the United States, under the
29 Uniform Code of Military Justice, or in a tribal court of a sexually violent offense or
30 a criminal offense against a victim who is a minor shall register within ten days after
31 his or her release from prison or placement on parole, supervised release, or
32 probation. The information such an offender is required to register shall include his
33 or her name and current address; place of employment and vocation, if any; the crime
34 of which convicted; school name and address, if any; and the date released from
35 prison or placed on parole, supervised release, or probation. Such an offender shall
36 register with the appropriate sheriff's office as specified in subsection (c) of this Code

1 section in the county where such person will reside for the time period specified in
2 subsection (g) of this Code section.

3 (B) A person who is a sexually violent predator shall register within ten days after his
4 or her release from prison or placement on parole, supervised release, or probation the
5 information required under subparagraph (A) of this paragraph with the appropriate
6 sheriff's office as specified in subsection (c) of this Code section in the county where
7 such person will reside. The sheriff may prepare a list of such sexual predators
8 providing each person's name, address, and photograph. The sheriff shall update the list
9 periodically and may post such list in a prominent and visible location in the sheriff's
10 office and each city hall or primary administration building of every incorporated
11 municipality within the county. Such list shall also be made available upon request to
12 any public or private elementary, secondary, or postsecondary school or educational
13 institution located in the county.

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

31 (B) The Sexual Offender Registration Review Board shall be composed of three
32 professionals licensed under Title 43 and knowledgeable in the field of the behavior and
33 treatment of sexual offenders; at least one representative from a victims' rights
34 advocacy group or agency; and at least two representatives from law enforcement, each
35 of whom is either employed by a law enforcement agency as a certified peace officer
36 under Title 35 or retired from such employment. The members of such board shall be
37 appointed by the commissioner of human resources for terms of four years. Members

1 of the board shall take office on the first day of September immediately following the
2 expired term of that office and shall serve for a term of four years and until the
3 appointment of their respective successors. No member shall serve on the board more
4 than two consecutive terms. Vacancies occurring on the board, other than those caused
5 by expiration of a term of office, shall be filled in the same manner as the original
6 appointment to the position vacated for the remainder of the unexpired term and until
7 a successor is appointed. Members shall be entitled to an expense allowance and travel
8 cost reimbursement the same as members of certain other boards and commissions as
9 provided in Code Section 45-7-21.

10 (C) The Sexual Offender Registration Review Board shall be attached to the
11 Department of Human Resources for administrative purposes and provided there is
12 adequate funding provided shall:

- 13 (i) Exercise its quasi-judicial, rule-making, or policy-making functions independently
14 of the department and without approval or control of the department;
- 15 (ii) Prepare its budget, if any, and submit its budgetary requests, if any, through the
16 department; and
- 17 (iii) Hire its own personnel if authorized by the Constitution of this state or by statute
18 or if the General Assembly provides or authorizes the expenditure of funds therefor.

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

- 22 (i) Inform the person of the duty to register and obtain the information required under
23 subparagraph (A) of paragraph (1) of this subsection for such registration;
- 24 (ii) Inform the person that, if the person changes residence address, employment
25 address, vocation address, school name, school address, or enrollment status, the
26 person shall give the new information to the sheriff or sheriffs with whom the person
27 last registered and the sheriff or sheriffs of the county to which the person is changing
28 residence address, employment address, vocation address, school name, school
29 address, or enrollment status, not later than ten days after the change of information.
30 Following such notification, the sheriff's office shall notify immediately the Georgia
31 Bureau of Investigation through the Criminal Justice Information System (CJIS) of
32 each change of information;
- 33 (iii) Inform the person that the person must register in any state where the person is
34 employed or carries on a vocation or is a student;
- 35 (iv) Inform the person that, if the person changes residence to another state, the
36 person shall register the new address with the sheriff or sheriffs with whom the person
37 last registered, and that the person shall also register with a designated law

1 enforcement agency in the new state not later than ten days after establishing
2 residence in the new state;

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

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

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

19 (C) The Georgia Crime Information Center shall create the Criminal Justice
20 Information System network transaction screens by which appropriate state officials
21 shall enter original data required by this Code section including residence address,
22 school name, school address, enrollment status, and employment and vocation address
23 and status. Screens shall also be created for sheriffs' offices for the entry of record
24 confirmation data; employment; changes of residence, school, or employment; or other
25 pertinent data and to assist in offender identification.

26 (D) Any person changing residence from another state or territory of the United States
27 to Georgia ~~who is required to register under federal law or the laws of another state,~~
28 ~~territory, or tribal authority or who has been convicted of an offense in another state,~~
29 ~~territory, or tribal authority which would require registration under this Code section~~
30 ~~if committed in this state shall comply with the registration requirements of this Code~~
31 ~~section. Such person shall register the new address, employment, and vocation~~
32 ~~information with the appropriate sheriff of the county as specified in subsection (c) of~~
33 ~~this Code section not later than ten days after the date of establishing residency in this~~
34 ~~state. Upon the person's registration with the sheriff of the county of new residence, the~~
35 ~~sheriff or his or her designee shall forward the registration information to the Georgia~~
36 ~~Bureau of Investigation. The sheriff or his or her designee shall obtain any needed~~
37 ~~information concerning the registrant, including fingerprints and a photograph of the~~

1 ~~person if such fingerprints and photograph have not previously been obtained within~~
2 ~~the State of Georgia. In addition, the sheriff or his or her designee shall inform the~~
3 ~~person of the duty to report any change of address as otherwise required in this Code~~
4 ~~section. The Georgia Bureau of Investigation shall forward such information in the~~
5 ~~manner described in subsection (c) of this Code section. shall be subject to the~~
6 ~~following registration requirements:~~

7 (i) Any person changing residence from another state or territory of the United States
8 to Georgia who is required to register under federal law or the laws of another state,
9 territory, or tribal authority shall comply with the registration requirements of this
10 Code section and register in this state regardless of when the conviction occurred.

11 (ii) Any person changing residence from another state or territory of the United States
12 to Georgia who has been convicted of an offense in another state, territory, or tribal
13 authority which would require registration under this Code section if committed in
14 this state shall comply with the registration requirements of this Code section
15 regardless of when the conviction occurred.

16 (iii) Any person who is subject to the registration requirements of this Code section
17 shall register the new address, employment, and vocation information with the
18 appropriate sheriff of the county as specified in subsection (c) of this Code section not
19 later than ten days after the date of establishing residency in this state.

20 (iv) Upon the person's registration with the sheriff of the county of new residence,
21 the sheriff or the sheriff's designee shall forward the registration information to the
22 Georgia Bureau of Investigation. The sheriff or the sheriff's designee shall obtain any
23 needed information concerning the registrant, including fingerprints and a photograph
24 of the person if such fingerprints and photograph have not previously been obtained
25 within the State of Georgia. In addition, the sheriff or the sheriff's designee shall
26 inform the person of the duty to report any change of address as otherwise required
27 in this Code section. The Georgia Bureau of Investigation shall forward such
28 information in the manner described in subsection (c) of this Code section.

29 (v) Any person who is subject to the registration requirements of this Code section
30 shall be required to register in Georgia for the remaining period of time established
31 by the state of last registration, or for the period of time as set forth in subsection (g)
32 of this Code section, whichever is longer.

33 (vi) Any person who is designated in another state as a sexually violent predator and
34 changes residency to Georgia shall also be designated as a sexually violent predator
35 in this state and subject to subsection (g) of this Code section.

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

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

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

Any person required to register by this subparagraph shall not later than ten days after the person enters the state register with the sheriff of the county of his or her temporary address, with the sheriff of the county of his or her employment, and with the sheriff of the county in which the person is attending school. The information registered shall include the person's temporary address, permanent address in the person's state of residence, employment and vocation address and status, and school name, school address, and enrollment status. Upon the person's registration, the sheriff or the sheriff's designee shall forward the registration information to the Georgia Bureau of Investigation. The sheriff or the sheriff's designee shall obtain the fingerprints and photograph of the person, if the person's fingerprints and photograph have not previously been obtained in Georgia. The sheriff or the sheriff's designee shall inform the person of his or her duty to report any change in temporary residence, permanent residence, employment and vocation address and status, school name, school address, or enrollment status.

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

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

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

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

1 (D) Read and sign the offender registration notification form at the time of registration;
2 and

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

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

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

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

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

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

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

21 (3) The Department of Human Resources shall provide, on a one-time basis, information
22 to all day-care, group day-care, and family day-care programs regulated on how to access
23 and retrieve from the Georgia Bureau of Investigation's Internet website a list of the
24 names and addresses of all registered sexual offenders. On and after October 1, 2004, the
25 Department of Early Care and Learning shall include, on a continuing basis, such
26 information with each application for licensure, commissioning, or registration for early
27 care and education programs.

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

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

33 (B) Upon receipt of the verification form the person shall be required to report in
34 person to the sheriff of the person's county of residence within ten days of the
35 anniversary date;

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

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

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

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

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

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

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

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

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

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

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

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

(h) Any person who is required to register under this Code section and who fails to comply with the requirements of this Code section or who provides false information shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than three years; provided, however, that upon the conviction of the second or subsequent offense under this subsection, the defendant shall be punished by imprisonment for not less than one nor more than three years or by a fine in an amount of up to \$100,000.00, or both.

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

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

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

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

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

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

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

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

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

1 real estate broker or any affiliated licensee of the broker or any person or entity or its
2 employees which own property or any person or entity or its employees who provide
3 property management services as defined in paragraph (7) of Code Section 43-40-1 for
4 revealing any information provided or maintained or required to be provided or maintained
5 in accordance with this Code section.

6 (n) Within ten days of the filing of a defendant's discharge and exoneration of guilt
7 pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of
8 discharge and exoneration to the Georgia Bureau of Investigation and any sheriff
9 maintaining records required under this Code section."

10 **SECTION 2.**

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