

Senators Goggans of the 7th and Smith of the 52nd offered the following substitute to HB 692:

WITHDRAWN

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,
2 so as to establish the Georgia Methamphetamine Offender Registry for the registration of
3 persons convicted of certain offenses relating to methamphetamine; to provide a statement
4 of purpose; to provide for definitions; to change certain provisions relating to terms and
5 conditions of probation; to provide effective dates; to provide for applicability; to repeal
6 conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

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9 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
10 by adding a new Code section to read as follows:

11 "42-1-14.

12 (a) The purpose of this Code section is to reduce and prevent the operation of clandestine
13 methamphetamine laboratories and the contamination of private property by such
14 laboratories, especially in residential areas. The General Assembly recognizes that such
15 laboratories pose a significant threat to the citizens of this state due to the lethal
16 environmental hazard posed by the unregulated and illegal use of harmful chemicals
17 involved in the unlawful production of methamphetamine. This Code section is a remedial
18 law and shall be liberally construed to promote the public health, safety, and welfare.

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

20 (1) 'Appropriate official' means:

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

25 (B) With respect to an offender who is sentenced to a period of incarceration in a
26 prison under the jurisdiction of the Department of Corrections and who is subsequently

1 released from prison or placed on probation, the commissioner of corrections or his or
2 her designee;

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

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

7 (2) 'Bureau' means the Georgia Bureau of Investigation.

8 (3) 'Conviction' means a final judgment of conviction entered upon a verdict or finding
9 of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is
10 discharged without adjudication of guilt and who is not considered to have a criminal
11 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
12 not be subject to the registration requirements of this Code section upon the defendant's
13 discharge.

14 (4) 'Registry' means the Georgia Methamphetamine Offender Registry maintained and
15 administered by the bureau.

16 (c)(1) There is created under the authority and direction of the bureau the Georgia
17 Methamphetamine Offender Registry for the registration of persons convicted of Code
18 Section 16-13-31 where the conviction relates to the delivery, manufacture, sale, or
19 trafficking of methamphetamine.

20 (2) The registry shall be maintained by the bureau and made available for public inquiry
21 and review on the Internet.

22 (3) The registry entry for each person shall include: the person's name, including any
23 known aliases; the person's date of birth; any offense or offenses listed in paragraph (1)
24 of this subsection for which the person has been convicted; the date and county of each
25 such conviction; the address listed on the person's current driver's license, if any; a
26 photograph taken at the time of arrest or release from incarceration; and, any other
27 identifying data as determined by the bureau for the proper identification of the person
28 but shall not include the person's social security or driver's license numbers.

29 (4) Any person convicted of an offense listed in paragraph (1) of this subsection on or
30 after July 1, 2006, and any person so convicted before July 1, 2006, who is released from
31 prison or placed on parole, supervised release, or probation on or after July 1, 2006, shall
32 be listed as an offender on the registry.

33 (5) For each offender required to register under this subsection, the appropriate official
34 shall forward to the bureau a copy of the judgment of conviction and information relevant
35 to the conviction which shall include the date of birth and any further information
36 relevant to the conviction as determined by the bureau. Where an offender has more than
37 one offense requiring registration, a copy of the conviction and other relevant information

1 shall be sent for each such offense. The judgment of conviction and other information
 2 related thereto shall be provided to the bureau within 30 days of the date of conviction
 3 or, in the event the offender is incarcerated, within 30 days from the release from
 4 incarceration.

5 (6) The bureau shall remove from the registry the name and other identifying information
 6 of persons who are registered seven years following the entry of conviction or, in the
 7 event the offender is incarcerated, seven years following the release from incarceration."

8 SECTION 2.

9 Said title is further amended by striking subsection (a) of Code Section 42-8-35, relating to
 10 terms and conditions of probation, and inserting in lieu thereof the following:

11 "(a) The court shall determine the terms and conditions of probation and may provide that
 12 the probationer shall:

13 (1) Avoid injurious and vicious habits;

14 (2) Avoid persons or places of disreputable or harmful character;

15 (3) Report to the probation supervisor as directed;

16 (4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;

17 (5) Work faithfully at suitable employment insofar as may be possible;

18 (6) Remain within a specified location; provided, however, that the court shall not banish
 19 a probationer to any area within the state:

20 (A) That does not consist of at least one entire judicial circuit as described by Code
 21 Section 15-6-1; or

22 (B) In which any service or program in which the probationer must participate as a
 23 condition of probation is not available;

24 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused
 25 by the probationer's offense, in an amount to be determined by the court. Unless
 26 otherwise provided by law, no reparation or restitution to any aggrieved person for the
 27 damage or loss caused by the probationer's offense shall be made if the amount is in
 28 dispute unless the same has been adjudicated;

29 (8) Make reparation or restitution as reimbursement to a municipality or county for the
 30 payment for medical care furnished the person while incarcerated pursuant to the
 31 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local
 32 governmental unit for the provision of medical care shall be made if the amount is in
 33 dispute unless the same has been adjudicated;

34 (9) Repay the costs incurred by any municipality or county for wrongful actions by an
 35 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section
 36 42-4-71;

- 1 (10) Support the probationer's legal dependents to the best of the probationer's ability;
- 2 (11) Violate no local, state, or federal laws and be of general good behavior;
- 3 (12) If permitted to move or travel to another state, agree to waive extradition from any
- 4 jurisdiction where the probationer may be found and not contest any effort by any
- 5 jurisdiction to return the probationer to this state; and
- 6 (13) Submit to evaluations and testing relating to rehabilitation and participate in and
- 7 successfully complete rehabilitative programming as directed by the department."

8 **SECTION 3.**

- 9 (a) Section 2, this section, and Section 4 of this Act shall become effective upon approval
- 10 of this Act by the Governor or upon its becoming law without such approval and shall apply
- 11 to terms and conditions of probation imposed on or after such date.
- 12 (b) Section 1 of this Act shall become effective on July 1, 2006.

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14 **SECTION 4.**

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