

Senate Bill 249

By: Senators Whitehead, Sr. of the 24th, Seabaugh of the 28th, Chapman of the 3rd, Douglas of the 17th, Staton of the 18th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated,
2 relating to the Sexual Offender Registration Review Board, so as to change certain
3 definitions; to provide for sexual offenders to register with the sheriff of any county where
4 such offender resides, is employed, or is attending an institution of higher education in lieu
5 of only registering in the county of residence and having the sheriff for such county be
6 responsible for forwarding information about such offender to the sheriffs of the counties
7 where such offender is employed or attends an institution of higher education; to require
8 sexual offenders to submit palm prints; to change certain residency requirements for certain
9 sexual offenders; to require the Department of Corrections to forward certain information to
10 sheriffs; to change reporting requirements when a sexual offender is incarcerated; to change
11 provisions relating to the time frame a sheriff has to update certain information; to change
12 certain penalty provisions; to change provisions relating to restrictions on where sexual
13 offenders and sexually dangerous predators may reside, work, and volunteer; to provide a
14 mechanism for certain elderly and disabled sexual offenders to petition the superior court to
15 be released from certain residency requirements; to provide for related matters; to repeal
16 conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
20 Sexual Offender Registration Review Board, is amended in Code Section 42-1-12, relating
21 to the State Sexual Offender Registry, by revising paragraphs (1) and (6) of subsection (a)
22 and subparagraphs (a)(16)(A) and (a)(16)(C) as follows:

23 "(1) 'Address' means the street or route address of the sexual offender's residence. For
24 purposes of this Code section, the term does not mean a post office box, and homeless or
25 in a vehicle does not constitute an address."

1 "(6) 'Child care facility' means all public and private pre-kindergarten facilities, day-care
 2 centers, child care learning centers, preschool facilities, and long-term care facilities for
 3 children. Such term shall not include private, in-home child day care which is not
 4 licensed by this state."

5 "(A) Name; social security number; age; race; sex; date of birth; height; weight; hair
 6 color; eye color; fingerprints; palmprints; and photograph;"

7 "~~(C) If the place of residence is a motor vehicle or trailer, provide the vehicle~~
 8 ~~identification number, the license tag number, and a description, including color~~
 9 ~~scheme, of the motor vehicle or trailer~~ Reserved;"

10 SECTION 2.

11 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender
 12 Registry, by revising paragraphs (3), (6), and (8) of subsection (b) as follows:

13 "(3) Inform the sexual offender that, if the sexual offender changes any of the required
 14 registration information, other than residence address, place of employment, or
 15 enrollment at an institution of higher education, the sexual offender shall give the new
 16 information to the sheriff of ~~the~~ each county with whom the sexual offender is registered
 17 within 72 hours of the change of information; if the information is the sexual offender's
 18 new residence address, change in employment location, or change in where the sexual
 19 offender is attending an institution of higher education, the sexual offender shall give the
 20 information to the sheriff of ~~the~~ each county with whom the sexual offender last
 21 registered within 72 hours prior to moving or changing employment or attendance at an
 22 institution of higher education and to the sheriff of the county to which the sexual
 23 offender is moving or changing employment or attendance at an institution of higher
 24 education within 72 hours after the change of information;"

25 "(6) Obtain fingerprints, palm prints, and a current photograph of the sexual offender;"

26 "(8) At least 30 days prior to such release, obtain ~~Obtain~~ and forward any information
 27 obtained from the clerk of court pursuant to Code Section 42-5-50 to the sheriff's office
 28 of ~~the~~ each county in which the sexual offender will reside, be employed, and attend an
 29 institution of higher education; and"

30 SECTION 3.

31 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender
 32 Registry, by revising paragraph (3) of subsection (c) as follows:

33 "(3) Forward ~~the sexual offender's fingerprints and photograph~~, at least 30 days prior to
 34 the sexual offender's release from prison, placement on parole, supervised release, or

1 probation, the following information to the sheriff's office of the county where the sexual
 2 offender is going to reside, be employed, and attend an institution of higher education:

3 (A) The sexual offender's fingerprints, palm prints, and photograph;

4 (B) The sexual offender's crime of conviction, including conviction date and the
 5 jurisdiction of the conviction; and

6 (C) The sexual offender's address;"

7 SECTION 4.

8 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender
 9 Registry, by revising paragraph (1) of subsection (d) as follows:

10 "(1) The appropriate official has provided the Georgia Bureau of Investigation and the
 11 sheriff's office in the each county where the sexual offender will be residing, working,
 12 and attending an institution of higher education with the sexual offender's required
 13 registration information and risk assessment classification level; and"

14 SECTION 5.

15 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender
 16 Registry, by revising subsection (f) as follows:

17 "(f) Any sexual offender required to register under this Code section shall:

18 (1) Provide the required registration information to the appropriate official before being
 19 released from prison or placed on parole, supervised release, or probation;

20 (2) Register in person with the sheriff of the each county in which the sexual offender
 21 resides, is employed, or attends an institution of higher education within 72 hours after
 22 the sexual offender's release from prison or placement on parole, supervised release,
 23 probation, or entry into this state;

24 (3) Maintain the required registration information with the sheriff of the each county in
 25 which the sexual offender resides, is employed, or attends an institution of higher
 26 education;

27 (4) Renew the required registration information with the sheriff of the each county in
 28 which the sexual offender resides, is employed, or attends an institution of higher
 29 education by reporting in person to the sheriff within 72 hours prior to such offender's
 30 birthday each year to be photographed, and fingerprinted, and palm printed; provided
 31 however, that such offender shall only be photographed, fingerprinted, and palm printed
 32 in the county where such offender resides;

33 (5) Update the required registration information with the sheriff of the each county in
 34 which the sexual offender resides, is employed, or attends an institution of higher
 35 education within 72 hours of any change to the required registration information, other

1 than residence address, place of employment, or enrollment at an institution of higher
 2 education; if the information is the sexual offender's new residence address, change in
 3 employment location, or change in where the sexual offender is attending an institution
 4 of higher education, the sexual offender shall give the information to the sheriff of ~~the~~
 5 each county with whom the sexual offender last registered within 72 hours prior to any
 6 change of residence address, place of employment, or enrollment at an institution of
 7 higher education, and to the sheriff of ~~the~~ each county to which the sexual offender is
 8 moving within 72 hours after establishing the new residence, place of employment, or
 9 attendance at an institution of higher education;

10 (6) If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff
 11 of the county where the sexual offender resides an annual registration fee of \$250.00
 12 upon each anniversary of such registration; and

13 (7) Continue to comply with the registration requirements of this Code section for the
 14 entire life of the sexual offender, ~~including~~ excluding ensuing periods of incarceration."

15 SECTION 6.

16 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender
 17 Registry, by revising paragraphs (1), (3), (4), and (6) of subsection (i) as follows:

18 "(1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators
 19 residing, working, or attending an institution of higher education in each county. Such
 20 list shall include the sexual offender's name; age; physical description; address; crime of
 21 conviction, including conviction date and the jurisdiction of the conviction; photograph;
 22 and the risk assessment classification level provided by the board, and an explanation of
 23 how the board classifies sexual offenders and sexually dangerous predators;"

24 "(3) Maintain ~~and post~~ a list of every sexual offender residing, working, or attending an
 25 institution of higher education in each county and electronically submit and update such
 26 list for posting;

27 (A) In the sheriff's office;

28 (B) In any county administrative building;

29 (C) In the main administrative building for any municipal corporation;

30 (D) In the office of the clerk of the superior court so that such list is available to the
 31 public; and

32 (E) On a website maintained by the sheriff of the county for the posting of general
 33 information;

34 (4) Update the public notices required by paragraph (3) of this Code section within ~~two~~
 35 working five business days;"

1 to register pursuant to Code Section 42-1-12 to loiter, as prohibited by Code Section
2 16-11-36, at any child care facility, school, or area where minors congregate.

3 (d) Any sexual offender who knowingly violates the provisions of this Code section shall
4 be guilty of a felony and shall be punished by imprisonment for not less than ten nor more
5 than 30 years.

6 (e) Nothing in this Code section shall create, either directly or indirectly, any civil cause
7 of action against or result in criminal prosecution of any person, firm, corporation,
8 partnership, trust, or association other than an individual required to be registered under
9 Code Section 42-1-12."

10 **SECTION 10.**

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