

House Bill 908

By: Representatives Ralston of the 7th, Keen of the 179th, Davis of the 109th, Bearden of the 68th, and Everson of the 106th

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 repeal certain provisions
3 relating to residency and employment restrictions for certain sexual offenders; to provide for
4 restrictions on where sexual offenders and sexually dangerous predators may reside, work,
5 volunteer, or loiter; to provide for a definition; to provide for punishment; to provide for
6 exemptions from certain residency and employment restrictions; to provide for civil causes
7 of action; to provide for applicability; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
12 Sexual Offender Registration Review Board, is amended by repealing in its entirety Code
13 Section 42-1-15, relating to the restrictions on registered offenders residing, working, or
14 loitering within certain areas, the penalties for violations, and civil causes of action.

15 style="text-align:center">**SECTION 2.**

16 Said article is further amended by adding a new Code section to read as follows:

17 "42-1-15.

18 (a) As used in this Code section, the term 'individual' means a person who is required to
19 register pursuant to Code Section 42-1-12.

20 (b) No individual shall reside within 1,000 feet of any child care facility, church, school,
21 or area where minors congregate. Such distance shall be determined by measuring from
22 the outer boundary of the property on which the individual resides to the outer boundary
23 of the property of the child care facility, church, school, or area where minors congregate
24 at their closest points.

1 (c)(1) No individual shall be employed by or volunteer at any child care facility, school,
2 or church or by or at any business or entity that is located within 1,000 feet of a child care
3 facility, a school, or a church. Such distance shall be determined by measuring from the
4 outer boundary of the property of the location in which such individual actually carries
5 out or performs the functions of his or her job to the outer boundary of the child care
6 facility, school, or church at their closest points.

7 (2) No individual who is a sexually dangerous predator shall be employed by or
8 volunteer at any business or entity that is located within 1,000 feet of an area where
9 minors congregate. Such distance shall be determined by measuring from the outer
10 boundary of the property of the location in which the sexually dangerous predator
11 actually carries out or performs the functions of his or her job to the outer boundary of
12 the area where minors congregate at their closest points.

13 (d) Notwithstanding any ordinance or resolution adopted pursuant to Code Section 16-6-24
14 or subsection (d) of Code Section 16-11-36, it shall be unlawful for any individual required
15 to register pursuant to Code Section 42-1-12 to loiter, as prohibited by Code Section
16 16-11-36, at any child care facility, school, or area where minors congregate.

17 (e)(1) If an individual owns real property and resides on such property and a child care
18 facility, church, school, or area where minors congregate thereafter locates itself within
19 1,000 feet of such property, or if an individual has established employment at a location
20 and a child care facility, church, or school thereafter locates itself within 1,000 feet of
21 such employment, or if a sexual predator has established employment and an area where
22 minors congregate thereafter locates itself within 1,000 feet of such employment, such
23 individual shall not be guilty of a violation of subsection (b) or (c) of this Code section,
24 as applicable, if such individual successfully complies with subsection (f) of this Code
25 section.

26 (2) An individual owning real property and residing on such property or being employed
27 within 1,000 feet of a prohibited location, as specified in subsection (b) or (c) of this
28 Code section, shall not be guilty of a violation of this Code section if such individual had
29 established such property ownership or employment prior to July 1, 2006, and such
30 individual successfully complies with subsection (f) of this Code section.

31 (f) If an individual is notified that he or she is in violation of subsection (b) or (c) of this
32 Code section, and if such individual claims that he or she is exempt from such prohibition
33 pursuant to subsection (e) of this Code section, such individual shall provide sufficient
34 proof demonstrating his or her exemption to the sheriff of the county where the individual
35 is registered within ten days of being notified of any such violation. For purposes of
36 providing proof of residence, the individual may provide a driver's license, government
37 issued identification, or any other documentation evidencing where the individual's

1 habitation is fixed. For purposes of providing proof of property ownership, the individual
2 shall provide a copy of his or her warranty deed, quitclaim deed, or voluntary deed, or other
3 documentation evidencing property ownership. For purposes of providing proof of
4 employment, the individual may provide an Internal Revenue Service Form W-2, a pay
5 check, or a notarized verification of employment from the individual's employer, or other
6 documentation evidencing employment. Such employment documentation shall evidence
7 the location in which such individual actually carries out or performs the functions of his
8 or her job. Documentation provided pursuant to this subsection may be required to be date
9 specific, depending upon the individual's exemption claim.

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

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

17 **SECTION 3.**

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