

The House Committee on Judiciary Non-civil offers the following substitute to SB 1:

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 restrictions on photographing a minor under certain  
6 circumstances; to provide for definitions; to provide for punishment; to provide for  
7 exemptions from certain residency and employment restrictions; to provide for civil causes  
8 of action; to provide for applicability; to provide for related matters; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

16 **SECTION 2.**

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

18 "42-1-15.

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

20 (1) 'Individual' means a person who is required to register pursuant to Code Section  
21 42-1-12.

22 (2) 'Minor' means any individual who is under 18 years of age.

23 (3) 'Photograph' means to take any picture, film or digital photograph, motion picture  
24 film, videotape, or similar visual representation or image of a person.

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

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

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

18 (d) No individual shall intentionally photograph a minor without the consent of the  
19 minor's parent or guardian.

20 (e) Notwithstanding any ordinance or resolution adopted pursuant to Code Section 16-6-24  
21 or subsection (d) of Code Section 16-11-36, it shall be unlawful for any individual required  
22 to register pursuant to Code Section 42-1-12 to loiter, as prohibited by Code Section  
23 16-11-36, at any child care facility, school, or area where minors congregate.

24 (f)(1) If an individual owns real property and resides on such property and a child care  
25 facility, church, school, or area where minors congregate thereafter locates itself within  
26 1,000 feet of such property, or if an individual has established employment at a location  
27 and a child care facility, church, or school thereafter locates itself within 1,000 feet of  
28 such employment, or if a sexual predator has established employment and an area where  
29 minors congregate thereafter locates itself within 1,000 feet of such employment, such  
30 individual shall not be guilty of a violation of subsection (b) or (c) of this Code section,  
31 as applicable, if such individual successfully complies with subsection (g) of this Code  
32 section.

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

1 (g) If an individual is notified that he or she is in violation of subsection (b) or (c) of this  
2 Code section, and if such individual claims that he or she is exempt from such prohibition  
3 pursuant to subsection (f) of this Code section, such individual shall provide sufficient  
4 proof demonstrating his or her exemption to the sheriff of the county where the individual  
5 is registered within ten days of being notified of any such violation. For purposes of  
6 providing proof of residence, the individual may provide a driver's license, government  
7 issued identification, or any other documentation evidencing where the individual's  
8 habitation is fixed. For purposes of providing proof of property ownership, the individual  
9 shall provide a copy of his or her warranty deed, quitclaim deed, or voluntary deed, or other  
10 documentation evidencing property ownership. For purposes of providing proof of  
11 employment, the individual may provide an Internal Revenue Service Form W-2, a pay  
12 check, or a notarized verification of employment from the individual's employer, or other  
13 documentation evidencing employment. Such employment documentation shall evidence  
14 the location in which such individual actually carries out or performs the functions of his  
15 or her job. Documentation provided pursuant to this subsection may be required to be date  
16 specific, depending upon the individual's exemption claim.

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

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

### 24 SECTION 3.

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