

The House Committee on Judiciary Non-civil offers the following substitute to SB 249:

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 that sexual offenders be required to register with the sheriff of any
4 county where such offenders reside, are employed, and are attending an institution of higher
5 education in lieu of only registering in their county of residence and having the sheriff for
6 such county be responsible for forwarding information about such offenders to the sheriffs
7 of the counties where such offenders are employed and attend an institution of higher
8 education; to require the Department of Corrections to forward certain information to
9 sheriffs; to change reporting requirements when a sexual offender is incarcerated; to change
10 provisions relating to the time frame a sheriff has to update certain information; to remove
11 annual registration fees; to change certain penalty provisions; to provide a mechanism for
12 certain elderly and disabled sexual offenders to petition the superior court to be released from
13 certain residency requirements; to provide for related matters; to provide for an effective
14 date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the
18 Sexual Offender Registration Review Board, is amended in Code Section 42-1-12, relating
19 to the State Sexual Offender Registry, by revising paragraphs (1), (3), and (6) of subsection
20 (a) and subparagraph (a)(16)(C) as follows:

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

24 "(3) 'Area where minors congregate' shall include all public and private parks and
25 recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums,
26 school bus stops, public libraries, and public and community swimming pools."

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

8 SECTION 2.

9 Said article is further amended in subsection (a) of Code Section 42-1-12, relating to the
 10 State Sexual Offender Registry, by adding a new paragraph to read as follows:

11 "(10.1) 'Day-care center' shall have the same meaning as set forth in paragraph (4) of
 12 Code Section 20-1A-2."

13 SECTION 3.

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

16 "(1) Inform the sexual offender of the obligation to register, ~~the amount of the~~
 17 ~~registration fee,~~ and how to maintain registration;"

18 "(3) Inform the sexual offender that, if the sexual offender changes any of the required
 19 registration information, other than residence address, the sexual offender shall give the
 20 new information to the sheriff of the county with whom the sexual offender is registered
 21 within 72 hours of the change of information; ~~if.~~ If the information is the sexual
 22 offender's new residence address, the sexual offender shall give ~~the~~ information
 23 regarding the sexual offender's new residence address to the sheriff of the county with
 24 whom the sexual offender last registered and to the sheriff of the county to which the
 25 sexual offender is moving within 72 hours prior to moving ~~and.~~ The sexual offender shall
 26 give information regarding a change in employment location or a change in attendance
 27 at an institution of higher education to the sheriff of ~~the~~ each county to which the sexual
 28 offender is ~~moving~~ changing employment location or changing attendance at an
 29 institution of higher education within 72 hours after ~~the~~ such change of information;"

30 "(8) At least 15 days prior to such release, obtain ~~Obtain~~ and forward any information
 31 obtained from the clerk of court pursuant to Code Section 42-5-50 to the sheriff's office
 32 of the county in which the sexual offender will reside; and"

1 moving within 72 hours prior to any change of residence address ~~and~~. The sexual
 2 offender shall give information regarding a change in employment location or a change
 3 in attendance at an institution of higher education to the sheriff of ~~the~~ each county to
 4 which the sexual offender is moving within 72 hours after establishing ~~the~~ such new
 5 residence place of employment or attendance at an institution of higher education; and
 6 (6) ~~If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff~~
 7 ~~of the county where the sexual offender resides an annual registration fee of \$250.00~~
 8 ~~upon each anniversary of such registration; and~~
 9 ~~(7) Continue to comply with the registration requirements of this Code section for the~~
 10 ~~entire life of the sexual offender, including~~ excluding ensuing periods of incarceration."

11 SECTION 6.

12 Said article is further amended in Code Section 42-1-12, relating to the State Sexual Offender
 13 Registry, by revising paragraphs (1), (3), (4), (6), (12), (13), and (14) of subsection (i) as
 14 follows:

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

21 "(3) Maintain ~~and post~~ a list of every sexual offender residing, working, and attending
 22 an institution of higher education in each county and electronically submit and update
 23 such list for posting:

24 (A) In the sheriff's office;

25 (B) In any county administrative building;

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

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

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

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

33 "(6) Update the list of sexual offenders residing, working, and attending an institution of
 34 higher education in the county upon receipt of new information affecting the residence
 35 address, employment, and attendance at an institution of higher education of a sexual
 36 offender or upon the registration of a sexual offender moving into the county, gaining

1 employment in the county, becoming enrolled in an institution of higher education in the
 2 county, or by virtue of release from prison, relocation from another county, conviction
 3 in another state, federal court, military tribunal, or tribal court. Such list, and any
 4 additions to such list, shall be delivered, physically or electronically, within 72 hours of
 5 updating the list of sexual offenders residing in the county, to all schools or institutions
 6 of higher education located in the county;"

7 "(12) If required by Code Section 42-1-14, place any electronic monitoring system on
 8 the sexually dangerous predator and explain its operation and cost; and

9 (13) Provide current information on names and addresses of all registered sexual
 10 offenders to campus police with jurisdiction for the campus of an institution of higher
 11 education if the campus is within the sheriff's jurisdiction; ~~and~~

12 ~~(14) Collect the annual \$250.00 registration fee from the sexual offender and transmit~~
 13 ~~such fees to the state for deposit into the general fund."~~

14 SECTION 7.

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

17 "(j)(1) The sheriff of the county where the sexual offender resides or last registered shall
 18 be the primary law enforcement official charged with communicating the whereabouts
 19 of the sexual offender and any changes in required registration information ~~to the~~
 20 ~~sheriff's office of the county or counties where the sexual offender is employed,~~
 21 ~~volunteers, attends an institution of higher education, or moves."~~

22 SECTION 8.

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

25 "(n) Any individual who:

26 (1) Is required to register under this Code section and who fails to comply with the
 27 requirements of this Code section;

28 (2) Provides false information; or

29 (3) Fails to respond directly to the sheriff within of the county where he or she resides,
 30 is employed, and is attending an institution of higher education 72 hours of prior to such
 31 individual's birthday

32 shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor
 33 more than 30 years; provided, however, that upon the conviction of the second offense
 34 under this subsection, the defendant shall be punished by imprisonment for life."

SECTION 9.

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

"42-1-16.

A superior court may issue an order releasing an individual from any residency requirements of this article if the individual or someone acting on behalf of the individual petitions the superior court of the jurisdiction in which such individual resides to be released from the residency requirements of this article, the court finds by a preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense, and the individual:

(1) Resides in a hospice facility, skilled nursing home, residential care facility for the elderly, or nursing home;

(2) Is totally and permanently disabled as such term is defined in Code Section 49-4-80;

or

(3) Is otherwise seriously physically incapacitated due to illness or injury."

SECTION 10.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 11.

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