

Senate Bill 1

By: Senators Johnson of the 1st, Williams of the 19th, Hamrick of the 30th and Wiles of the 37th

AS PASSED

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 change a
 4 definition; to provide for restrictions on where sexual offenders and sexually dangerous
 5 predators may reside, work, volunteer, or loiter; to provide for restrictions on photographing
 6 a minor under certain circumstances; to provide for definitions; to provide for punishment;
 7 to provide for exemptions from certain residency and employment restrictions; to provide for
 8 civil causes of action; to provide for applicability; to provide for related matters; to repeal
 9 conflicting 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 revising paragraph (3) of subsection (a) of Code Section
 18 42-1-12, relating to the State Sexual Offender Registry, as follows:

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

22 **SECTION 3.**

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

1 1,000 feet of such property, or if an individual has established employment at a location
2 and a child care facility, church, or school thereafter locates itself within 1,000 feet of
3 such employment, or if a sexual predator has established employment and an area where
4 minors congregate thereafter locates itself within 1,000 feet of such employment, such
5 individual shall not be guilty of a violation of subsection (b) or (c) of this Code section,
6 as applicable, if such individual successfully complies with subsection (g) of this Code
7 section.

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

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

29 (h)(1) Any individual who knowingly violates subsection (d) of this Code section shall
30 be guilty of a misdemeanor of a high and aggravated nature.

31 (2) Any individual who knowingly violates any other any provision of this Code section,
32 except subsection (d) of this Code section, shall be guilty of a felony and shall be
33 punished by imprisonment for not less than ten nor more than 30 years

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

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SECTION 5.

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