

The House Committee on Judiciary Non-civil offers the following substitute to SB 157:

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 classification and registration of sexual offenders and regulation of the conduct  
3 of such offenders, so as to revise provisions relating to registration of sexual offenders; to  
4 change certain definitions; to provide for registration and reporting by sexual offenders who  
5 do not have a residence address; to change provisions relating to nonresidents moving to  
6 Georgia; to change punishment provisions; to provide for other related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to  
11 classification and registration of sexual offenders and regulation of the conduct of such  
12 offenders, is amended in Code Section 42-1-12, relating to the State Sexual Offender  
13 Registry, by revising portions of subsection (a) as follows:

14 Paragraph (1) of subsection (a) is revised as follows:

15 "(1) 'Address' means the street or route address of the sexual offender's residence. For  
16 purposes of this Code section, the term ~~does~~ shall not mean a post office box, ~~and~~  
17 ~~homeless does not constitute an address.~~"

18 Divisions (a)(9)(A)(i) and (a)(9)(A)(ii) are revised as follows:

19 "(i) Kidnapping of a minor, except by a parent, when accompanied by a sexual  
20 offense against a minor or an attempt to commit a sexual offense against a minor;

21 (ii) False imprisonment of a minor, except by a parent, when accompanied by a  
22 sexual offense against a minor or an attempt to commit a sexual offense against a  
23 minor;"

24 Divisions (a)(9)(B)(i) and (a)(9)(B)(ii) are revised as follows:

25 "(i) Kidnapping of a minor, except by a parent, when accompanied by a sexual  
26 offense against a minor or an attempt to commit a sexual offense against a minor;

27 (ii) False imprisonment of a minor, except by a parent, when accompanied by a  
 28 sexual offense against a minor or an attempt to commit a sexual offense against a  
 29 minor;"

30 Paragraph (16) of subsection (a) is revised as follows:

31 "(16) 'Required registration information' means:

32 (A) Name; social security number; age; race; sex; date of birth; height; weight; hair  
 33 color, eye color, fingerprints; and photograph;

34 (B) ~~Address of any permanent residence and address of any current temporary~~  
 35 ~~residence~~, within the state or out of state, and, if applicable in addition to the address,  
 36 a rural route address and a post office box;

37 (C) If the place of residence is a motor vehicle or trailer, ~~provide~~ the vehicle  
 38 identification number, the license tag number, and a description, including color  
 39 scheme, of the motor vehicle or trailer;

40 (D) If the place of residence is a mobile home, ~~provide~~ the mobile home location  
 41 permit number; the name and address of the owner of the home; a description, including  
 42 the color scheme of the mobile home; and, if applicable, a description of where the  
 43 mobile home is located on the property;

44 (E) If the place of residence is a manufactured home, ~~provide~~ the name and address of  
 45 the owner of the home; a description, including the color scheme of the manufactured  
 46 home; and, if applicable, a description of where the manufactured home is located on  
 47 the property;

48 (F) If the place of residence is a vessel, live-aboard vessel, or houseboat, ~~provide~~ the  
 49 hull identification number; the manufacturer's serial number; the name of the vessel,  
 50 live-aboard vessel, or houseboat; the registration number; and a description, including  
 51 color scheme, of the vessel, live-aboard vessel, or houseboat;

52 (F.1) If the place of residence is the status of homelessness, information as provided  
 53 under paragraph (2.1) of subsection (f) of this Code section;

54 (G) Date of employment, place of any employment, and address of employer;

55 (H) Place of vocation and address of the place of vocation;

56 (I) Vehicle make, model, color, and license tag number;

57 (J) If enrolled, employed, or carrying on a vocation at an institution of higher education  
 58 in this state, the name, address, and county of each institution, including each campus  
 59 attended, and enrollment or employment status;

60 (K) E-mail addresses; and usernames, ~~and user passwords~~; and

61 (L) The name of the crime or crimes for which the sexual offender is registering and  
 62 the date released from prison or placed on probation, parole, or supervised release."

63 **SECTION 2.**

64 Said article is further amended by revising paragraph (6) of subsection (e) of Code Section  
65 42-1-12, relating to the State Sexual Offender Registry, as follows:

66 "~~(6) Is a nonresident sexual offender who changes residence from another state or~~  
67 ~~territory of the United States~~ any other place to Georgia who is required to register as a  
68 sexual offender under federal law, military law, tribal law, or the laws of another state or  
69 territory, ~~regardless of when the conviction occurred~~ or who has been convicted in this  
70 state of a criminal offense against a victim who is a minor or any dangerous sexual  
71 offense;"

72 **SECTION 3.**

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

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

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

78 (2) Register in person with the sheriff of the county in which the sexual offender resides  
79 within 72 hours after the sexual offender's release from prison or placement on parole,  
80 supervised release, probation, or entry into this state;

81 (2.1) In the case of a sexual offender whose place of residence is the status of  
82 homelessness, in lieu of the requirements of paragraph (2) of this subsection, register in  
83 person with the sheriff of the county in which the sexual offender sleeps within 72 hours  
84 after the sexual offender's release from prison or placement on parole, supervised release,  
85 probation, or entry into this state and:

86 (A) Provide the places where he or she sleeps, eats, and works and other places which  
87 he or she frequents; and

88 (B) Report every 72 hours in person to the sheriff of the county in which he or she  
89 sleeps, during the sheriff's normal business hours, and update any changes in the  
90 information required under subparagraph (A) of this paragraph;

91 (3) Maintain the required registration information with the sheriff of ~~the~~ each county in  
92 which the sexual offender resides or sleeps;

93 (4) Renew the required registration information with the sheriff of the county in which  
94 the sexual offender resides or sleeps by reporting in person to the sheriff within 72 hours  
95 prior to such offender's birthday each year to be photographed and fingerprinted;

96 (5) Update the required registration information with the sheriff of the county in which  
97 the sexual offender resides within 72 hours of any change to the required registration  
98 information, other than residence address; ~~if.~~ If the information is the sexual offender's

99 new residence address, the sexual offender shall give the information regarding the sexual  
 100 offender's new residence address to the sheriff of the county with whom the sexual  
 101 offender last registered within 72 hours prior to any change of residence address and to  
 102 the sheriff of the county to which the sexual offender is moving within 72 hours after  
 103 establishing ~~the~~ such new residence;

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

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

109 **SECTION 4.**

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

112 "(n) Any individual who:

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

115 (2) Provides false information; or

116 (3) Fails to respond directly to the sheriff ~~within~~ of the county where he or she resides  
 117 or sleeps within 72 hours ~~of~~ prior to such individual's birthday

118 shall be guilty of a felony and shall be punished by imprisonment for not less than ~~ten~~ one  
 119 nor more than ~~30~~ ten years; provided, however, that upon the conviction of the second  
 120 offense under this subsection, the defendant shall be punished by ~~imprisonment for life~~ not  
 121 less than five nor more than 20 years."

122 **SECTION 5.**

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