

## House Bill 122 (COMMITTEE SUBSTITUTE)

By: Representatives Tanner of the 9<sup>th</sup>, Harrell of the 106<sup>th</sup>, Powell of the 171<sup>st</sup>, Hamilton of the 24<sup>th</sup>, Golick of the 40<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 42-1-14 of the Official Code of Georgia Annotated, relating to risk  
2 assessment classification, classification as "sexually dangerous predator," and electronic  
3 monitoring of sexual offenders; Code Section 42-9-53, relating to preservation of documents,  
4 classification of information and documents, divulgence of confidential state secrets, and  
5 conduct of hearings; and Code Section 35-3-4, relating to powers and duties of the Georgia  
6 Bureau of Investigation, so as to authorize the Sexual Offender Registration Review Board  
7 to review and utilize records of the Board of Pardons and Paroles in making its assessments;  
8 to maintain confidentiality of records of the Board of Pardons and Paroles; to provide for  
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

11 Code Section 42-1-14 of the Official Code of Georgia Annotated, relating to risk assessment  
12 classification, classification as "sexually dangerous predator," and electronic monitoring of  
13 sexual offenders, is amended by revising paragraph (2) of subsection (a) as follows:  
14

15 "(2) A sexual offender shall be placed into Level I risk assessment classification, Level II  
16 risk assessment classification, or sexually dangerous predator classification based upon  
17 the board's assessment criteria and information obtained and reviewed by the board. The  
18 sexual offender may provide the board with information, including, but not limited to,  
19 psychological evaluations, sexual history polygraph information, treatment history, and  
20 personal, social, educational, and work history and may agree to submit to a psychosexual  
21 evaluation or sexual history polygraph conducted by the board. If the sexual offender has  
22 undergone treatment through the Department of Corrections, such treatment records shall  
23 also be submitted to the board for evaluation. The prosecuting attorney shall provide the  
24 board with any information available to assist the board in rendering an opinion,  
25 including, but not limited to, criminal history and records related to previous criminal

26 history. The board shall utilize the Georgia Bureau of Investigation to assist it in  
 27 obtaining information relative to its evaluation of sexual offenders and the Georgia  
 28 Bureau of Investigation shall provide the board with information as requested by the  
 29 board. The board shall be authorized to obtain information from supervision records of  
 30 the Board of Pardons and Paroles regarding such sexual offender, but such records shall  
 31 remain confidential state secrets in accordance with Code Section 42-9-53 and shall not  
 32 be made available to any other person or entity or be subject to subpoena unless  
 33 declassified by the State Board of Pardons and Paroles. The clerk of court shall send a  
 34 copy of the sexual offender's conviction to the board and notify the board that a sexual  
 35 offender's evaluation will need to be performed. The board shall render its  
 36 recommendation for risk assessment classification within:

- 37 (A) Sixty days of receipt of a request for an evaluation if the sexual offender is being  
 38 sentenced pursuant to subsection (c) of Code Section 17-10-6.2;
- 39 (B) Six months prior to the sexual offender's proposed release from confinement if the  
 40 offender is incarcerated;
- 41 (C) Sixty days of receipt of the required registration information from the sheriff when  
 42 the sexual offender changes residence from another state or territory of the United  
 43 States or any other place to this state and is not already classified;
- 44 (D) Sixty days if the sexual offender is sentenced to a probated or suspended sentence;  
 45 and
- 46 (E) Ninety days if such classification is requested by the court pursuant to a petition  
 47 filed under Code Section 42-1-19."

48 **SECTION 2.**

49 Code Section 42-9-53, relating to preservation of documents, classification of information  
 50 and documents, divulgence of confidential state secrets, and conduct of hearings, is amended  
 51 by revising subsection (b) as follows:

52 "(b) All information, both oral and written, received by the members of the board in the  
 53 performance of their duties under this chapter and all records, papers, and documents  
 54 coming into their possession by reason of the performance of their duties under this chapter  
 55 shall be classified as confidential state secrets until declassified by the board; provided,  
 56 however, that the board shall be authorized to disclose to an alleged violator of parole or  
 57 conditional release the evidence introduced against him or her at a final hearing on the  
 58 matter of revocation of parole or conditional release; provided, further, that the board may  
 59 make supervision records of the board available to probation officials employed with the  
 60 Department of Corrections and the Sexual Offender Registration Review Board, provided

61 that the same shall remain confidential and not available to any other person or subject to  
62 subpoena unless declassified by the board."

63 **SECTION 3.**

64 Code Section 35-3-4, relating to powers and duties of the Georgia Bureau of Investigation,  
65 is amended by revising paragraph (15) of subsection (a) as follows:

66 "(15)(A) Acquire, collect, analyze, and provide to the board any information which will  
67 assist the board in determining a sexual offender's risk assessment classification in  
68 accordance with the board's duties as specified in Code Section 42-1-14, including, but  
69 not limited to, obtaining:

70 (i) Incident, investigative, supplemental, and arrest reports from law enforcement  
71 agencies;

72 (ii) Records from clerks of court;

73 (iii) Records and information maintained by prosecuting attorneys;

74 (iv) Records maintained by state agencies, provided that any records provided by the  
75 State Board of Pardons and Paroles that are classified as confidential state secrets  
76 pursuant to Code Section 42-9-53 shall remain confidential and shall not be made  
77 available to any other person or entity or be subject to subpoena unless declassified  
78 by the State Board of Pardons and Paroles; and

79 (v) Other documents or information as requested by the board.

80 (B) As used in this paragraph, the term:

81 (i) 'Board' means the Sexual Offender Registration Review Board.

82 (ii) 'Risk assessment classification' means the level into which a sexual offender is  
83 placed based on the board's assessment.

84 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12."

85 **SECTION 4.**

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