

Senate Bill 35

By: Senators Jackson of the 2nd, Jones of the 10th, Sims of the 12th, Seay of the 34th and Anderson of the 43rd

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 Sexual Offender Registration Review Board, so as to prohibit sex offenders from  
3 residing near their victims and such victims' immediate family members; to prohibit sex  
4 offenders from loitering near the residences of their victims and such victims' immediate  
5 family members; to provide for exceptions; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to  
10 Sexual Offender Registration Review Board, is amended by revising Code Section 42-1-15,  
11 relating to restriction on registered offenders residing, working, or loitering within certain  
12 distance of child care facilities, churches, schools, or areas where minors congregate, penalty  
13 for violations, and civil causes of action, as follows:

14 "42-1-15.

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

16 (1) 'Individual' means a person who is required to register pursuant to Code Section  
17 42-1-12.

18 (2) 'Lease' means a right of occupancy pursuant to a written and valid lease or rental  
19 agreement.

20 (3) 'Minor' means any person who is under 18 years of age.

21 (4) 'Volunteer' means to engage in an activity in which one could be, and ordinarily  
22 would be, employed for compensation, and which activity involves working with,  
23 assisting, or being engaged in activities with minors; provided, however, that such term  
24 shall not include participating in activities limited to persons who are 18 years of age or  
25 older or participating in worship services or engaging in religious activities or activities  
26 at a place of worship that do not include supervising, teaching, directing, or otherwise

27 participating with minors who are not supervised by an adult who is not an individual  
28 required to register pursuant to Code Section 42-1-12.

29 (b)(1) On and after July 1, 2008, no individual shall reside within 1,000 feet of any child  
30 care facility, church, school, or area where minors congregate if the commission of the  
31 act for which such individual is required to register occurred on or after July 1, 2008.  
32 Such distance shall be determined by measuring from the outer boundary of the property  
33 on which the individual resides to the outer boundary of the property of the child care  
34 facility, church, school, or area where minors congregate at their closest points.

35 (2) On and after July 1, 2019, no individual shall reside within 2,000 feet of the property  
36 on which his or her former victim or an immediate family member of such victim resides.  
37 Such distance shall be determined by measuring from the outer boundary of the property  
38 on which the individual resides to the outer boundary of the property where the former  
39 victim or immediate family member of the former victim resides.

40 (c)(1) On and after July 1, 2008, no individual shall be employed by or volunteer at any  
41 child care facility, school, or church or by or at any business or entity that is located  
42 within 1,000 feet of a child care facility, a school, or a church if the commission of the  
43 act for which such individual is required to register occurred on or after July 1, 2008.  
44 Such distance shall be determined by measuring from the outer boundary of the property  
45 of the location at which such individual is employed or volunteers to the outer boundary  
46 of the child care facility, school, or church at their closest points.

47 (2) On or after July 1, 2008, no individual who is a sexually dangerous predator shall be  
48 employed by or volunteer at any business or entity that is located within 1,000 feet of an  
49 area where minors congregate if the commission of the act for which such individual is  
50 required to register occurred on or after July 1, 2008. Such distance shall be determined  
51 by measuring from the outer boundary of the property of the location at which the  
52 sexually dangerous predator is employed or volunteers to the outer boundary of the area  
53 where minors congregate at their closest points.

54 (d) Notwithstanding any ordinance or resolution adopted pursuant to Code Section 16-6-24  
55 or subsection (d) of Code Section 16-11-36, it shall be unlawful for any individual or for  
56 any person who is or should be registered on another state's sexual offender registry to  
57 loiter, as prohibited by Code Section 16-11-36, at any child care facility, school, or area  
58 where minors congregate or within 2,000 feet of the property where his or her former  
59 victim or an immediate family member of the victim resides.

60 (e)(1) If an individual owns or leases real property and resides on such property and a  
61 child care facility, church, school, or area where minors congregate thereafter locates  
62 itself within 1,000 feet of such property, or if an individual has established employment  
63 at a location and a child care facility, church, or school thereafter locates itself within

64 1,000 feet of such employment, or if a sexual predator has established employment and  
65 an area where minors congregate thereafter locates itself within 1,000 feet of such  
66 employment, such individual shall not be guilty of a violation of paragraph (1) of  
67 subsection (b) or subsection (c) of this Code section, as applicable, if such individual  
68 successfully complies with subsection (f) of this Code section.

69 (2) An individual owning or leasing real property and residing on such property or being  
70 employed within 1,000 feet of a prohibited location, as specified in paragraph (1) of  
71 subsection (b) or subsection (c) of this Code section, shall not be guilty of a violation of  
72 this Code section if such individual had established such property ownership, leasehold,  
73 or employment prior to July 1, 2008, and such individual successfully complies with  
74 subsection (f) of this Code section.

75 (3) If an individual owns or leases real property and resides on such property and his or  
76 her former victim or an immediate family member of such victim begins residing within  
77 2,000 feet of such property, such individual shall not be guilty of a violation of paragraph  
78 (2) of subsection (b) of this Code section if such individual successfully complies with  
79 subsection (f) of this Code section.

80 (4) An individual owning or leasing real property and residing on such property within  
81 2,000 feet of a prohibited location, as specified in paragraph (2) of subsection (b) of this  
82 Code section, shall not be guilty of a violation of this Code section if such individual had  
83 established such property ownership, leasehold, or employment prior to July 1, 2019, and  
84 such individual successfully complies with subsection (f) of this Code section.

85 (f)(1) If an individual is notified that he or she is in violation of subsection (b) or (c) of  
86 this Code section, and if such individual claims that he or she is exempt from such  
87 prohibition pursuant to subsection (e) of this Code section, such individual shall provide  
88 sufficient proof demonstrating his or her exemption to the sheriff of the county where the  
89 individual is registered within ten days of being notified of any such violation.

90 (2) For purposes of providing proof of residence, the individual may provide a driver's  
91 license, government issued identification, or any other documentation evidencing where  
92 the individual's habitation is fixed. For purposes of providing proof of property  
93 ownership, the individual shall provide a copy of his or her warranty deed, quitclaim  
94 deed, or voluntary deed, or other documentation evidencing property ownership.

95 (3) For purposes of providing proof of a leasehold, the individual shall provide a copy  
96 of the applicable lease agreement. Leasehold exemptions shall only be for the duration  
97 of the executed lease.

98 (4) For purposes of providing proof of employment, the individual may provide an  
99 Internal Revenue Service Form W-2, a pay check, or a notarized verification of  
100 employment from the individual's employer, or other documentation evidencing

101 employment. Such employment documentation shall evidence the location in which such  
102 individual actually carries out or performs the functions of his or her job.

103 (5) Documentation provided pursuant to this subsection may be required to be date  
104 specific, depending upon the individual's exemption claim.

105 (g) Any individual who knowingly violates this Code section shall be guilty of a felony  
106 and shall be punished by imprisonment for not less than ten nor more than 30 years.

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

111 **SECTION 2.**

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