

ADOPTED

Senators Albers of the 56th, Robertson of the 29th, and McLaurin of the 14th offered the following amendment:

1 *Amend the Senate Committee on Public Safety substitute to HB 188 (LC 48 0924S) to replace*
 2 *lines 13 through 18 with the following:*

3 name of the Sexual Offender Registration Review Board; to revise definitions; to require to
 4 location tracking for certain sexual offenders; to provide for procedure for removal of such
 5 requirement; to repeal and reenact a Code section relative to risk assessment, classification
 6 as "sexually dangerous predator," and electronic monitoring; to provide for risk assessment
 7 classification process, notice, timing, and procedure to request reclassification; to provide for
 8 presentence risk assessment classification of sexual offenders;

9 *By replacing lines 247 through 249 with the following:*

10 "(9) If required by a court or by Code Section ~~42-1-14~~ 42-1-13.1, place any required
 11 electronic monitoring system on the sexually dangerous predator location tracking device
 12 upon a sexual offender and explain its operation and cost."

13 *By inserting between lines 298 and 299 the following:*

14 **SECTION 6-2A.**

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

16 "42-1-13.1.

17 (a)(1) A sexual offender shall be fitted by the Department of Community Supervision
 18 with a device capable of tracking the location of the sexual offender by means including
 19 electronic surveillance or global positioning satellite systems while he or she is on
 20 probation or parole and awaiting risk assessment classification from the board and when:

21 (A) Such offender has previously been convicted of a felony sexual offense in violation
 22 of Chapter 6 of Title 16; or

23 (B) His or her assigned community supervision officer determines that a special need
24 exists for an offender to be fitted with such device due to the immediate danger to
25 society the offender poses based upon a substantial risk of perpetrating a future
26 dangerous sexual offense.

27 (2) Except when a petition for release has been granted pursuant to subsection (b) of this
28 Code section or location tracking has been issued as a condition of probation or term of
29 parole, a sexual offender shall be released from the location tracking requirements of this
30 Code section upon the conclusion of his or her term of probation or parole.

31 (3) The costs relating to the fitting of a location tracking device and any monitoring
32 thereof shall be borne by the sexual offender.

33 (b) A sexual offender required to be fitted by the department with a device capable of
34 tracking the location of such offender pursuant to this Code section may petition the
35 superior court of the county where the offender resides for release from such location
36 tracking requirements within 30 days of the fitting. The court shall hold a hearing on the
37 petition for release if requested by the petitioner. The court may issue an order suspending
38 a sexual offender from the location tracking requirements of this Code section if the court
39 finds by a preponderance of the evidence that the offender does not pose an immediate
40 danger to society due to substantial risk of perpetrating any future dangerous sexual
41 offense. The court shall send a copy of any order suspending an individual from the
42 location tracking requirements of this Code section to the Department of Community
43 Supervision."

44 *By replacing "declassification" with "classification" on line 336.*

45 *By replacing lines 400 through 408 with the following:*
46 registration information."