

House Bill 430

By: Representatives Sainz of the 180<sup>th</sup>, Clifton of the 131<sup>st</sup>, Ballard of the 147<sup>th</sup>, Ford of the 170<sup>th</sup>, Ballinger of the 23<sup>rd</sup>, and others

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 Risk Review Board, so as to provide for venue for certain  
3 petitions regarding the state sexual offender registry; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to  
8 Sexual Offender Risk Review Board, is amended by revising paragraph (2) of subsection (h)  
9 of Code Section 42-1-12, relating to State Sexual Offender Registry, as follows:

10 "(2) The Georgia Bureau of Investigation shall:

11 (A) Transmit all information, including the conviction data and fingerprints, to the  
12 Federal Bureau of Investigation within 24 hours of entering the data;

13 (B) Establish operating policies and procedures concerning record ownership, quality,  
14 verification, modification, and cancellation; ~~and~~

15 (C) Perform mail out and verification duties as follows:

- 16 (i) Send each month Criminal Justice Information System network messages to  
 17 sheriffs listing sexual offenders due for verification;
- 18 (ii) Create a photo image file from original entries and provide such entries to sheriffs  
 19 to assist in sexual offender identification and verification;
- 20 (iii) Mail a nonforwardable verification form to the last reported address of the sexual  
 21 offender within ten days prior to the sexual offender's birthday;
- 22 (iv) If the sexual offender changes residence to another state, notify the law  
 23 enforcement agency with which the sexual offender shall register in the new state; and
- 24 (v) Maintain records required under this Code section; and
- 25 (D) Review the conviction or convictions of a nonresident who changes residence from  
 26 another state or territory of the United States or any other place to Georgia to determine  
 27 whether said nonresident should be subject to the registration requirements set forth in  
 28 subsection (e) of this Code section, and if applicable, place such nonresident on the  
 29 state sexual offender registry."

30 **SECTION 2.**

31 Said article is further amended by revising paragraph (2) of subsection (b), paragraph (2) of  
 32 subsection (d), and subsections (e) and (f) of Code Section 42-1-19, relating to petition for  
 33 release from registration requirements, as follows:

34 "(2) Such petition shall be served on the district attorney of the jurisdiction where the  
 35 petition is filed, the sheriff of the county where the petition is filed, ~~and~~ the sheriff of the  
 36 county where the individual resides, the sheriff of the county of the individual's intended  
 37 residence, and the chief superior court judge of the county of the individual's intended  
 38 residence. Service on the district attorney and sheriff may be had by mailing a copy of  
 39 the petition with a proper certificate of service."

40 "(2) Any evidence introduced by the district attorney, board, or ~~sheriff~~ sheriffs; and"

41 "(e) The court shall hold a hearing on the petition if requested by the petitioner, the sheriff  
42 of the county where the petition is filed, the sheriff of the county where the individual  
43 resides, or the sheriff of the county of the individual's intended residence.

44 (f) The court may issue an order releasing the individual from registration requirements  
45 or residency or employment restrictions, in whole or part, if the court finds by a  
46 preponderance of the evidence that the individual does not pose a substantial risk of  
47 perpetrating any future dangerous sexual offense. The court may release an individual  
48 from such requirements or restrictions for a specific period of time. The court shall send  
49 a copy of any order releasing an individual from any requirements or restrictions to the  
50 sheriff and the district attorney of the jurisdiction where the petition is filed, to the sheriff  
51 of the county where the individual resides, to the sheriff of the county of the individual's  
52 intended residence, to the Department of Corrections, to the Department of Community  
53 Supervision, and to the Georgia Bureau of Investigation."

54

### SECTION 3.

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