

House Bill 430 (COMMITTEE SUBSTITUTE)

By: Representatives Sainz of the 180th, Clifton of the 131st, Ballard of the 147th, Ford of the 170th, Ballinger of the 23rd, 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 **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 (6) of subsection (e)
9 of Code Section 42-1-12, relating to State Sexual Offender Registry, as follows:

10 "(6) Is a nonresident who changes residence from another state or territory of the United
11 States or any other place to Georgia who, at the time of changing residence, is required
12 to register as a sexual offender under federal law, military law, tribal law, or the laws of
13 another state or territory or who has been convicted in this state of a criminal offense
14 against a victim who is a minor or any dangerous sexual offense;"

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15 **SECTION 2.**

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

19 "(2) Such petition shall be served on the district attorney of the jurisdiction where the
20 petition is filed, the sheriff of the county where the petition is filed, ~~and the sheriff of the~~
21 ~~county where the individual resides, the sheriff of the county of intended residence, and~~
22 the chief superior court judge of the county of intended residence. Service on the district
23 attorney and sheriff may be had by mailing a copy of the petition with a proper certificate
24 of service."

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

26 "(e) The court shall hold a hearing on the petition if requested by the petitioner, ~~the sheriff~~
27 of the county of intended residence, or the chief superior court judge of the county of
28 intended residence.

29 (f) The court may issue an order releasing the individual from registration requirements
30 or residency or employment restrictions, in whole or part, if the court finds by a
31 preponderance of the evidence that the individual does not pose a substantial risk of
32 perpetrating any future dangerous sexual offense. The court may release an individual
33 from such requirements or restrictions for a specific period of time. The court shall send
34 a copy of any order releasing an individual from any requirements or restrictions to the
35 sheriff and the district attorney of the jurisdiction where the petition is filed, to the sheriff
36 of the county where the individual resides, to the sheriff of the county of intended
37 residence, to the Department of Corrections, to the Department of Community Supervision,
38 and to the Georgia Bureau of Investigation."

39 **SECTION 3.**

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