

Senate Bill 468

By: Senators Cowsert of the 46th, Walker III of the 20th, Anavitarte of the 31st, Robertson of the 29th, Hatchett of the 50th 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 increase reporting requirements of
3 sexual offenders; to allow for increased monitoring of homeless sexual offenders; to provide
4 a definition; to require sexual offenders to report international travel; to provide for
5 placement of sexual offenders in risk assessment classifications when convicted of specific
6 crimes; to amend Code Section 8-3-11 of the Official Code of Georgia, relating to creation
7 of stable housing accountability programs, application process, minimum standards, approval
8 criteria, and funding, so as to require stable housing accountability programs to report
9 program applicants who are sexual offenders; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
14 sexual offender risk review board, is amended in Code Section 42-1-12, relating to State
15 Sexual Offender Registry, by revising subparagraph (a)(16)(F.1) of and adding a new
16 paragraph to subsection (a) and by revising subsection (f) to read as follows:

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17 “(10.1) 'Homeless' or 'homelessness' means:

18 (A) Lacking a fixed, regular, or traditional nighttime residence which can be
 19 considered safe, sanitary, and decent;

20 (B) Living in a public or private place not designated as, or ordinarily used as, regular
 21 sleeping accommodations, including, but not limited to, a car, park, abandoned
 22 building, bus or train station, airport, or campground; or

23 (C) Living in a supervised public or private shelter designated to provide temporary
 24 living arrangements, including, but not limited to, hotels and motels paid for by federal,
 25 state, or local government programs or by charitable organizations, congregate shelters,
 26 and transitional housing.”

27 “(F.1) If the place of residence is the status of homelessness, information as provided
 28 under paragraph ~~(2.1)~~ (3) of subsection (f) of this Code section;”

29 “(f) Any sexual offender required to register under this Code section shall:

30 (1) Provide the required registration information to the appropriate official before being
 31 released from prison or placed on parole, supervised release, or probation;

32 (2) Register in person with the sheriff of the county in which the sexual offender resides
 33 within 72 hours after the sexual offender's release from prison or placement on parole,
 34 supervised release, probation, or entry into this state;

35 ~~(2.1)~~(3) In the case of a sexual offender whose place of residence is the status of
 36 homelessness who is homeless, in lieu of the requirements of paragraph (2) of this
 37 subsection, register in person with the sheriff of the county in which the sexual offender
 38 sleeps within 72 hours after the sexual offender's release from prison or placement on
 39 parole, supervised release, probation, or entry into this state and provide a description
 40 detailing the location where he or she sleeps;

41 ~~(3)~~(4) Maintain the required registration information with the sheriff of each county in
 42 which the sexual offender resides or sleeps;

43 ~~(4)~~(5) Renew the required registration information with the sheriff of the county in which
44 the sexual offender resides or sleeps by reporting in person to the sheriff within 72 hours
45 prior to such offender's birthday each year to be photographed and fingerprinted;

46 ~~(4.1)~~(6) In the case of a sexual offender who resides in a state or privately operated
47 hospice facility, skilled nursing home, or residential ~~health-care~~ healthcare facility, with
48 the approval of the sheriff of the county where such sexual offender resides, the sexual
49 offender may satisfy the annual registration requirements of paragraph (4) of this
50 subsection by registering at any time during the sexual offender's month of birth.
51 Additionally, in the case of a sexual offender who resides in a state or privately operated
52 hospice facility, skilled nursing home, or residential ~~health-care~~ healthcare facility, with
53 the approval of the sheriff of the county where such sexual offender resides, such sexual
54 offender shall not be required to be fingerprinted pursuant to paragraph (4) of this
55 subsection but the sheriff shall be authorized to photograph the offender;

56 ~~(5)~~(7) Update the required registration information with the sheriff of the county in
57 which the sexual offender resides within 72 hours of any change to the required
58 registration information, other than where he or she resides or sleeps if such person is
59 homeless. If the information is the sexual offender's new address, the sexual offender
60 shall give the information regarding the sexual offender's new address to the sheriff of
61 the county in which the sexual offender last registered within 72 hours prior to any
62 change of address and to the sheriff of the county to which the sexual offender is moving
63 within 72 hours prior to establishing such new address. If the sexual offender is homeless
64 and the information is the sexual offender's new sleeping location, within ~~72~~ 12 hours of
65 changing sleeping locations, the sexual offender shall give the information regarding the
66 sexual offender's new sleeping location to the sheriff of the county in which the sexual
67 offender last registered, and if the county has changed, to the sheriff of the county to
68 which the sexual offender has moved; ~~and~~

69 (8) In the case of a sexual offender who is homeless, comply with any request by a
70 provider of homeless assistance or services to disclose any information requested by the
71 provider regarding the individual's status as a registered sexual offender; and
72 ~~(6)~~(9) Continue to comply with the registration requirements of this Code section for the
73 entire life of the sexual offender, excluding ensuing periods of incarceration."

74 **SECTION 2.**

75 Said article is further amended in Code Section 42-1-13.1, relating to electronic tracking of
76 sexual offenders and petitioning for exemption, by revising subsection (a) and adding a new
77 subsection to read as follows:

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

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

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

88 (2) Except when a petition for release has been granted pursuant to subsection (b) of this
89 Code section, or a sexual offender is fitted for a location tracking device pursuant to
90 subsection (c) of this Code section, or location tracking has been issued as a condition of
91 probation or term of parole, a sexual offender shall be released from the location tracking
92 requirements of this Code section upon the conclusion of his or her term of probation or
93 parole.

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

96 "(c)(1) In addition to the authority granted in subsection (a) of this Code section, the
97 Department of Community Supervision or the sheriff of the county in which a sexual
98 offender resides may fit a sexual offender with a device capable of tracking the location
99 of the sexual offender by means including electronic surveillance or global positioning
100 satellite systems when:

101 (A) Such offender is homeless; and

102 (B) His or her assigned community supervision officer determines that a special need
103 exists for the offender to be fitted with such a device due to his or her prior failure to
104 timely or accurately report the place he or she sleeps or a special need exists to ensure
105 the offender is compliant with geographic restrictions imposed on offenders by Code
106 Section 42-1-15.

107 (2) The costs of such location tracking device shall be paid for by the responsible agency
108 that fitted such device.

109 (3) Every 90 days the responsible agency shall determine whether the special need for
110 the location tracking device continues and may remove such device upon an assessment
111 determining such device is no longer needed."

112 **SECTION 3.**

113 Said article is further amended in subsection (a) of Code Section 42-1-14, relating to risk
114 assessment classification, classification as "sexually dangerous predator", reevaluations, and
115 periodic reporting to sheriffs, by adding a new paragraph to read as follows:

116 "(2.1) In addition to the requirements of paragraph (2) of this subsection, the board shall
117 apply the following standards when placing a sexual offender convicted on or after July
118 1, 2026, in a risk assessment classification level:

119 (A) A sexual offender who is 18 years of age or older at the time of the offense shall
120 be placed into a Level II risk assessment classification if such offender is convicted of
121 any of the following offenses:

122 (i) Child molestation in violation of Code Section 16-6-4 if the victim is less than 12
123 years of age;

124 (ii) Enticing a child for indecent purposes in violation of Code Section 16-6-5 if the
125 victim is less than 12 years of age;

126 (iii) Incest in violation of Code Section 16-6-22 if the victim is a minor; or

127 (iv) Sexual exploitation of children in violation of Code Section 16-12-100; and

128 (B) A sexual offender who is 18 years of age or older at the time of the offense shall
129 be classified as a sexually dangerous predator if such offender is convicted of any of
130 following offenses:

131 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;

132 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
133 is less than 14 years of age, except by a parent;

134 (iii) Trafficking an individual for sexual servitude in violation of Code
135 Section 16-5-46;

136 (iv) Rape in violation of Code Section 16-6-1;

137 (v) Aggravated sodomy in violation of Code Section 16-6-2;

138 (vi) Aggravated child molestation in violation of Code Section 16-6-4;

139 (vii) Any second or subsequent conviction for sexual battery in violation of Code
140 Section 16-6-22.1; and

141 (viii) Sexual exploitation of children in violation of Code Section 16-12-100."

142 **SECTION 4.**

143 Said article is further amended by adding a new Code section to read as follows:

144 "42-1-20.

145 (a) A sexual offender shall provide to the sheriff of the county of his or her residence and
146 to his or her community supervision officer, if on probation or parole, information relating
147 to intended travel outside the United States at least 21 days in advance of such travel. The
148 information provided shall include, to the extent known, the anticipated dates and places
149 of departure, arrival, and return; carrier and flight numbers for air travel; destination
150 country or countries and addresses or other contact information therein; the means and
151 purpose of travel; and any other itinerary or travel related information required by the
152 community supervision officer or the sheriff. Such information shall be included in the
153 state sexual offender registry.

154 (b) A sexual offender shall provide to the sheriff of the county of his or her residence and
155 to his or her community supervision officer, if on probation or parole, any intention to
156 commence residence, employment, or school attendance outside of the United States.
157 Upon receipt of such notice, the Georgia Bureau of Investigation shall immediately record
158 the information in the state sexual offender registry and shall promptly communicate such
159 information to:

160 (A) All other jurisdictions in which the sexual offender is required to register; and

161 (B) The United States Marshals Service.

162 (c) The Georgia Bureau of Investigation shall update the National Sex Offender Registry
163 and the National Crime Information Center to reflect information provided by the sexual
164 offender pursuant to subsections (a) and (b) of this Code section and any other information
165 required by federal law."

166 **SECTION 5.**

167 Code Section 8-3-311 of the Official Code of Georgia, relating to creation of stable housing
168 accountability programs, application process, minimum standards, approval criteria, and
169 funding, is amended by revising subsection (d) as follows:

170 "(d) On or before January 1, 2025, the commission shall publish uniform state-wide
171 minimum standards for a stable housing accountability program. At a minimum, to be
172 certified as a stable housing accountability program, the program shall:

173 (1) Provide voluntary, immediate, and stable housing to stable housing accountability
174 program participants;

175 (2) Limit the length of total residence for any person to 18 months or whenever the
176 tenant who was the qualifying resident is able to obtain or is offered affordable housing,
177 whichever is earlier;

178 (3) Provide ongoing assistance to each resident for obtaining long-term affordable
179 housing;

180 (4) Require residents to be removed from the program if they fail to meet specified
181 accountability measures, including sustaining an honest, good-faith effort to achieve or
182 maintain sobriety from drugs and alcohol;

183 (5) Conduct regular inspections of common areas and residential units; ~~and~~

184 (6) Require qualifying residents:

185 (A) To show proof of United States citizenship and execute an affidavit verifying
186 continuous residency in this state for the previous 12 months;

187 (B) To participate in free and relevant job training and educational opportunities until
188 such resident obtains stable employment;

189 (C) To engage in an active search and apply for stable employment;

190 (D) Who obtain stable employment to maintain such employment status as long as
191 stable employment is available to them;

192 (E) To participate in counseling, mental health care, and substance abuse treatment
193 programs, as necessary;

194 (F) To submit to regular drug and alcohol testing;

195 (G) To abstain from criminal activity;

196 (H) Who have minor children to ensure that such children receive adequate nutrition,
197 health care, and education; and

198 (I) To submit to regular review of compliance with applicable terms and conditions
199 provided for in this Code section for stable housing accountability programs; and

200 (7) Require each applicant to disclose if the applicant is a registered sexual offender,
201 including information on the offender's risk assessment classification, and any restrictions
202 imposed by law that bar the applicant from loitering, working, or residing in certain
203 locations. If an applicant discloses that he or she is a registered sexual offender, the
204 program shall:

205 (A) Inform such applicant whether the program applied for would place the applicant
206 within 1,000 feet of any child care facility, church, school, or other location where
207 minors congregate; and

208 (B) Report to the sheriff of the county in which the program operates the name,
209 address, and date of birth of such applicant if the applicant is accepted into the
210 program."

211 **SECTION 6.**

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