

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

AS PASSED SENATE

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 A sexual offender described in this paragraph shall comply with the applicable
28 geographic restrictions imposed on offenders pursuant to this article.”

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

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

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

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

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

43 ~~(3)~~(4) Maintain the required registration information with the sheriff of each county in
44 which the sexual offender resides or sleeps;

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

48 ~~(4.1)~~(6) In the case of a sexual offender who resides in a state or privately operated
49 hospice facility, skilled nursing home, or residential ~~health-care~~ healthcare facility, with
50 the approval of the sheriff of the county where such sexual offender resides, the sexual
51 offender may satisfy the annual registration requirements of paragraph ~~(4)~~ (5) of this
52 subsection by registering at any time during the sexual offender's month of birth.
53 Additionally, in the case of a sexual offender who resides in a state or privately operated
54 hospice facility, skilled nursing home, or residential ~~health-care~~ healthcare facility, with
55 the approval of the sheriff of the county where such sexual offender resides, such sexual
56 offender shall not be required to be fingerprinted pursuant to paragraph ~~(4)~~ (5) of this
57 subsection but the sheriff shall be authorized to photograph the offender;

58 ~~(5)~~(7) Update the required registration information with the sheriff of the county in
59 which the sexual offender resides within 72 hours of any change to the required
60 registration information, other than where he or she resides or sleeps if such person is
61 homeless. If the information is the sexual offender's new address, the sexual offender
62 shall give the information regarding the sexual offender's new address to the sheriff of
63 the county in which the sexual offender last registered within 72 hours prior to any
64 change of address and to the sheriff of the county to which the sexual offender is moving
65 within 72 hours prior to establishing such new address. If the sexual offender is homeless
66 and the information is the sexual offender's new sleeping location, within ~~72~~ 36 hours of
67 changing sleeping locations, the sexual offender shall give the information regarding the
68 sexual offender's new sleeping location to the sheriff of the county in which the sexual

69 offender last registered, and if the county has changed, to the sheriff of the county to
 70 which the sexual offender has moved; and
 71 (8) In the case of a sexual offender who is homeless, comply with any request by a
 72 provider of homeless assistance or services to disclose any information requested by the
 73 provider regarding the individual's status as a registered sexual offender; and
 74 ~~(6)(9)~~ Continue to comply with the registration requirements of this Code section for the
 75 entire life of the sexual offender, excluding ensuing periods of incarceration."

76

SECTION 2.

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

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

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

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

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

94 requirements of this Code section upon the conclusion of his or her term of probation or
95 parole.

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

98 "(c)(1) In addition to the authority granted in subsection (a) of this Code section, the
99 Department of Community Supervision may fit a homeless sexual offender while he or
100 she is on probation or parole with a device capable of tracking the location of the sexual
101 offender by means including electronic surveillance or global positioning satellite
102 systems:

103 (A) When his or her assigned community supervision officer determines that a special
104 need exists for the offender to be fitted with such a device due to his or her prior failure
105 to timely or accurately report the place he or she sleeps, or the special need to ensure
106 the offender is compliant with the applicable geographic restrictions imposed on
107 offenders pursuant to this article; or

108 (B) Upon notification of the sheriff of the county in which a homeless sexual offender
109 resides that the offender has failed to comply with the registration requirements of Code
110 Section 42-1-12 or the applicable geographic restrictions imposed on offenders
111 pursuant to this article.

112 (2) Every 90 days the Department of Community Supervision shall determine whether
113 the special need for the location tracking device continues and may remove such device
114 upon an assessment determining such device is no longer needed."

115 **SECTION 3.**

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

119 “(2.1) In addition to the requirements of paragraph (2) of this subsection, the board shall
120 apply the following standards when placing a sexual offender convicted on or after July
121 1, 2026, in a risk assessment classification level:

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

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

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

129 (iii) Incest in violation of Code Section 16-6-22 if the victim is a minor; or
130 (iv) Sexual exploitation of children in violation of Code Section 16-12-100; and

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

134 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
135 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
136 is less than 14 years of age, except by a parent;

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

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

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

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

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

144 (viii) Any second or subsequent conviction of an offense listed in subparagraph (A)
145 of this paragraph.”

SECTION 4.

146

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

148 "42-1-20.

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

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

164 (1) All other jurisdictions in which the sexual offender is required to register; and165 (2) The United States Marshals Service.

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

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SECTION 5.

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

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

177 (1) Provide voluntary, immediate, and stable housing to stable housing accountability
178 program participants;

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

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

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

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

188 (6) Require qualifying residents:

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

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

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

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

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

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

199 (G) To abstain from criminal activity;

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

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

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

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

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

215 **SECTION 6.**

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