

The House Committee on Judiciary, Non-Civil offers the following substitute to SB 468:

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:

S. B. 468 (SUB)

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

18 (A) Lacking a fixed, regular nighttime residence;

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

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

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

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

30 "(f) Any sexual offender required to register under this Code section shall:

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

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

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

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

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

47 ~~(4.1)~~(6) In the case of a sexual offender who resides in a state or privately operated
48 hospice facility, skilled nursing home, or residential ~~health-care~~ healthcare facility, with
49 the approval of the sheriff of the county where such sexual offender resides, the sexual
50 offender may satisfy the annual registration requirements of paragraph ~~(4)~~ (5) of this
51 subsection by registering at any time during the sexual offender's month of birth.
52 Additionally, in the case of a sexual offender who resides in a state or privately operated
53 hospice facility, skilled nursing home, or residential ~~health-care~~ healthcare facility, with
54 the approval of the sheriff of the county where such sexual offender resides, such sexual
55 offender shall not be required to be fingerprinted pursuant to paragraph ~~(4)~~ (5) of this
56 subsection but the sheriff shall be authorized to photograph the offender;

57 ~~(5)~~(7) Update the required registration information with the sheriff of the county in
58 which the sexual offender resides within 72 hours of any change to the required
59 registration information, other than where he or she resides or sleeps if such person is
60 homeless. If the information is the sexual offender's new address, the sexual offender
61 shall give the information regarding the sexual offender's new address to the sheriff of
62 the county in which the sexual offender last registered within 72 hours prior to any
63 change of address and to the sheriff of the county to which the sexual offender is moving
64 within 72 hours prior to establishing such new address. If the sexual offender is homeless
65 and the information is the sexual offender's new sleeping location, within ~~72~~ 36 hours of
66 changing sleeping locations, the sexual offender shall give the information regarding the
67 sexual offender's new sleeping location to the sheriff of the county in which the sexual
68 offender last registered, and if the county has changed, to the sheriff of the county to
69 which the sexual offender has moved; ~~and~~

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

75 **SECTION 2.**

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

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

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

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

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

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

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

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

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

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

114 **SECTION 3.**

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

118 "(2.1) In addition to the requirements of paragraph (2) of this subsection, the board shall
119 apply the following standards when placing a sexual offender convicted on or after July
120 1, 2026, in a risk assessment classification level:

- 121 (A) A sexual offender who is 18 years of age or older at the time of the offense shall
122 be placed into a Level II risk assessment classification or classified as a sexually
123 dangerous predator if such offender is convicted of any of the following offenses:
- 124 (i) Child molestation in violation of Code Section 16-6-4 if the victim is less than 12
125 years of age;
 - 126 (ii) Enticing a child for indecent purposes in violation of Code Section 16-6-5 if the
127 victim is less than 12 years of age;
 - 128 (iii) Incest in violation of Code Section 16-6-22 if the victim is a minor; or
 - 129 (iv) Sexual exploitation of children in violation of Code Section 16-12-100; and
- 130 (B) A sexual offender who is 18 years of age or older at the time of the offense shall
131 be classified as a sexually dangerous predator if such offender is convicted of any of
132 following offenses:
- 133 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
 - 134 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
135 is less than 14 years of age, except by a parent;
 - 136 (iii) Trafficking an individual for sexual servitude in violation of Code
137 Section 16-5-46;
 - 138 (iv) Rape in violation of Code Section 16-6-1;
 - 139 (v) Aggravated sodomy in violation of Code Section 16-6-2;
 - 140 (vi) Aggravated child molestation in violation of Code Section 16-6-4;
 - 141 (vii) Any second or subsequent conviction for sexual battery in violation of Code
142 Section 16-6-22.1; and
 - 143 (viii) Any second or subsequent conviction of an offense listed in subparagraph (A)
144 of this paragraph."

SECTION 4.

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

"42-1-20.

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

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

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

(2) The United States Marshals Service.

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

169 **SECTION 5.**

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

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

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

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

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

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

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

187 (6) Require qualifying residents:

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

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

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

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

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

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

198 (G) To abstain from criminal activity;

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

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

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

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

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

214 **SECTION 6.**

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