

House Bill 983

By: Representatives Williams of the 145th, Hitchens of the 161st, Powell of the 32nd, and Lumsden of the 12th

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 Registration Review Board, so as to revise the information
3 required to be provided by sexual offenders when they register; to allow a sexual offender
4 who is in a state or privately operated hospice facility, skilled nursing home, or residential
5 health care facility, with the approval of the sheriff of the county where such sexual offender
6 resides, to satisfy the annual registration requirements by registering at any time during the
7 sexual offender's month of birth; to remove the requirement that a sexual offender who
8 resides in a state or privately operated hospice facility, skilled nursing home, or residential
9 health care facility, with the approval of the sheriff of the county where such sexual offender
10 resides, be fingerprinted; to repeal the registration fee collection requirements; to provide for
11 related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to
15 Sexual Offender Registration Review Board, is amended by revising Code Section 42-1-12,
16 relating to State Sexual Offender Registry, as follows:

17 "42-1-12.

18 (a) As used in this article, the term:

19 (1) 'Address' means the street or route address of the sexual offender's residence. For
20 purposes of this Code section, the term shall not mean a post office box.

21 (2) 'Appropriate official' means:

22 (A) With respect to a sexual offender who is sentenced to probation without any
23 sentence of incarceration in the state prison system or who is sentenced pursuant to
24 Article 3 of Chapter 8 of this title, relating to first offenders, the Department of
25 Community Supervision;

26 (B) With respect to a sexual offender who is sentenced to a period of incarceration in
27 a prison under the jurisdiction of the Department of Corrections and who is
28 subsequently released from prison or placed on probation, the commissioner of
29 corrections or his or her designee;

30 (C) With respect to a sexual offender who is placed on parole, the chairperson of the
31 State Board of Pardons and Paroles or his or her designee; and

32 (D) With respect to a sexual offender who is placed on probation through a private
33 probation agency, the director of the private probation agency or his or her designee.

34 (3) 'Area where minors congregate' shall include all public and private parks and
35 recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums,
36 school bus stops, public libraries, and public and community swimming pools.

37 (4) 'Assessment criteria' means the tests that the board members use to determine the
38 likelihood that a sexual offender will commit another criminal offense against a victim
39 who is a minor or commit a dangerous sexual offense.

40 (5) 'Board' means the Sexual Offender Registration Review Board.

41 (6) 'Child care facility' means all public and private pre-kindergarten facilities, child care
42 learning centers, preschool facilities, and long-term care facilities for children.

43 (6.1) 'Child care learning center' shall have the same meaning as set forth in paragraph
44 (2) of Code Section 20-1A-2.

45 (7) 'Church' means a place of public religious worship.

46 (8) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding
47 of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is
48 discharged without adjudication of guilt and who is not considered to have a criminal
49 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
50 be subject to the registration requirements of this Code section for the period of time prior
51 to the defendant's discharge after completion of his or her sentence or upon the defendant
52 being adjudicated guilty. Unless otherwise required by federal law, a defendant who is
53 discharged without adjudication of guilt and who is not considered to have a criminal
54 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
55 not be subject to the registration requirements of this Code section upon the defendant's
56 discharge.

57 (9)(A) 'Criminal offense against a victim who is a minor' with respect to convictions
58 occurring on or before June 30, 2001, means any criminal offense under Title 16 or any
59 offense under federal law or the laws of another state or territory of the United States
60 which consists of:

61 (i) Kidnapping of a minor, except by a parent;

62 (ii) False imprisonment of a minor, except by a parent;

- 63 (iii) Criminal sexual conduct toward a minor;
- 64 (iv) Solicitation of a minor to engage in sexual conduct;
- 65 (v) Use of a minor in a sexual performance;
- 66 (vi) Solicitation of a minor to practice prostitution; or
- 67 (vii) Any conviction resulting from an underlying sexual offense against a victim
- 68 who is a minor.

69 (B) 'Criminal offense against a victim who is a minor' with respect to convictions
 70 occurring after June 30, 2001, means any criminal offense under Title 16 or any offense
 71 under federal law or the laws of another state or territory of the United States which
 72 consists of:

- 73 (i) Kidnapping of a minor, except by a parent;
- 74 (ii) False imprisonment of a minor, except by a parent;
- 75 (iii) Criminal sexual conduct toward a minor;
- 76 (iv) Solicitation of a minor to engage in sexual conduct;
- 77 (v) Use of a minor in a sexual performance;
- 78 (vi) Solicitation of a minor to practice prostitution;
- 79 (vii) Use of a minor to engage in any sexually explicit conduct to produce any visual
- 80 medium depicting such conduct;
- 81 (viii) Creating, publishing, selling, distributing, or possessing any material depicting
- 82 a minor or a portion of a minor's body engaged in sexually explicit conduct;
- 83 (ix) Transmitting, making, selling, buying, or disseminating by means of a computer
- 84 any descriptive or identifying information regarding a child for the purpose of
- 85 offering or soliciting sexual conduct of or with a child or the visual depicting of such
- 86 conduct;
- 87 (x) Conspiracy to transport, ship, receive, or distribute visual depictions of minors
- 88 engaged in sexually explicit conduct; or
- 89 (xi) Any conduct which, by its nature, is a sexual offense against a victim who is a
- 90 minor.

91 (C) For purposes of this paragraph, a conviction for a misdemeanor shall not be
 92 considered a criminal offense against a victim who is a minor, and conduct which is
 93 adjudicated in juvenile court shall not be considered a criminal offense against a victim
 94 who is a minor.

95 (10)(A) 'Dangerous sexual offense' with respect to convictions occurring on or before
 96 June 30, 2006, means any criminal offense, or the attempt to commit any criminal
 97 offense, under Title 16 as specified in this paragraph or any offense under federal law
 98 or the laws of another state or territory of the United States which consists of the same
 99 or similar elements of the following offenses:

- 100 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
101 (ii) Rape in violation of Code Section 16-6-1;
102 (iii) Aggravated sodomy in violation of Code Section 16-6-2;
103 (iv) Aggravated child molestation in violation of Code Section 16-6-4; or
104 (v) Aggravated sexual battery in violation of Code Section 16-6-22.2.
- 105 (B) 'Dangerous sexual offense' with respect to convictions occurring between
106 July 1, 2006, and June 30, 2015, means any criminal offense, or the attempt to commit
107 any criminal offense, under Title 16 as specified in this paragraph or any offense under
108 federal law or the laws of another state or territory of the United States which consists
109 of the same or similar elements of the following offenses:
- 110 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
111 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
112 is less than 14 years of age, except by a parent;
113 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a
114 victim who is less than 14 years of age, except by a parent;
115 (iv) Rape in violation of Code Section 16-6-1;
116 (v) Sodomy in violation of Code Section 16-6-2;
117 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
118 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
119 of the offense is 21 years of age or older;
120 (viii) Child molestation in violation of Code Section 16-6-4;
121 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
122 person was convicted of a misdemeanor offense;
123 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
124 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
125 (xii) Incest in violation of Code Section 16-6-22;
126 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
127 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
128 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
129 (xvi) Electronically furnishing obscene material to minors in violation of Code
130 Section 16-12-100.1;
131 (xvii) Computer pornography and child exploitation in violation of Code
132 Section 16-12-100.2;
133 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
134 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
135 minor or an attempt to commit a sexual offense against a victim who is a minor.

136 (B.1) 'Dangerous sexual offense' with respect to convictions occurring between
 137 July 1, 2015, and June 30, 2017, means any criminal offense, or the attempt to commit
 138 any criminal offense, under Title 16 as specified in this subparagraph or any offense
 139 under federal law or the laws of another state or territory of the United States which
 140 consists of the same or similar elements of the following offenses:

- 141 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 142 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 143 is less than 14 years of age, except by a parent;
- 144 (iii) Trafficking a person for sexual servitude in violation of Code Section 16-5-46;
- 145 (iv) Rape in violation of Code Section 16-6-1;
- 146 (v) Sodomy in violation of Code Section 16-6-2;
- 147 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 148 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 149 of the offense is 21 years of age or older;
- 150 (viii) Child molestation in violation of Code Section 16-6-4;
- 151 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 152 person was convicted of a misdemeanor offense;
- 153 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 154 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 155 (xii) Incest in violation of Code Section 16-6-22;
- 156 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 157 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 158 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 159 (xvi) Electronically furnishing obscene material to minors in violation of Code
 160 Section 16-12-100.1;
- 161 (xvii) Computer pornography and child exploitation in violation of Code
 162 Section 16-12-100.2;
- 163 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 164 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
 165 minor or an attempt to commit a sexual offense against a victim who is a minor.

166 (B.2) 'Dangerous sexual offense' with respect to convictions occurring between
 167 July 1, 2017, and June 30, 2019, means any criminal offense, or the attempt to commit
 168 any criminal offense, under Title 16 as specified in this subparagraph or any offense
 169 under federal law or the laws of another state or territory of the United States which
 170 consists of the same or similar elements of the following offenses:

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

- 172 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 173 is less than 14 years of age, except by a parent;
- 174 (iii) Trafficking an individual for sexual servitude in violation of Code
 175 Section 16-5-46;
- 176 (iv) Rape in violation of Code Section 16-6-1;
- 177 (v) Sodomy in violation of Code Section 16-6-2;
- 178 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- 179 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
 180 of the offense is 21 years of age or older;
- 181 (viii) Child molestation in violation of Code Section 16-6-4;
- 182 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
 183 person was convicted of a misdemeanor offense;
- 184 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 185 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 186 (xii) Incest in violation of Code Section 16-6-22;
- 187 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 188 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 189 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 190 (xvi) Electronically furnishing obscene material to minors in violation of Code
 191 Section 16-12-100.1;
- 192 (xvii) Computer pornography and child exploitation in violation of Code
 193 Section 16-12-100.2;
- 194 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 195 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
 196 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 197 (B.3) 'Dangerous sexual offense' with respect to convictions occurring after
 198 June 30, 2019, means any criminal offense, or the attempt to commit any criminal
 199 offense, under Title 16 as specified in this subparagraph or any offense under federal
 200 law or the laws of another state or territory of the United States which consists of the
 201 same or similar elements of the following offenses:
- 202 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 203 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who
 204 is less than 14 years of age, except by a parent;
- 205 (iii) Trafficking an individual for sexual servitude in violation of Code
 206 Section 16-5-46;
- 207 (iv) Rape in violation of Code Section 16-6-1;
- 208 (v) Sodomy in violation of Code Section 16-6-2;

- 209 (vi) Aggravated sodomy in violation of Code Section 16-6-2;
210 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted
211 of the offense is 21 years of age or older;
212 (viii) Child molestation in violation of Code Section 16-6-4;
213 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the
214 person was convicted of a misdemeanor offense;
215 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
216 (xi) Improper sexual contact by employee or agent in the first or second degree in
217 violation of Code Section 16-6-5.1, unless the punishment imposed was not subject
218 to Code Section 17-10-6.2;
219 (xii) Incest in violation of Code Section 16-6-22;
220 (xiii) A second or subsequent conviction for sexual battery in violation of Code
221 Section 16-6-22.1;
222 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
223 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
224 (xvi) Electronically furnishing obscene material to minors in violation of Code
225 Section 16-12-100.1;
226 (xvii) Computer pornography and child exploitation in violation of Code
227 Section 16-12-100.2;
228 (xviii) A second or subsequent conviction for obscene telephone contact in violation
229 of Code Section 16-12-100.3; or
230 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a
231 minor or an attempt to commit a sexual offense against a victim who is a minor.
232 (C) For purposes of this paragraph, a conviction for a misdemeanor shall not be
233 considered a dangerous sexual offense, and conduct which is adjudicated in juvenile
234 court shall not be considered a dangerous sexual offense.
- 235 (11) 'Institution of higher education' means a private or public community college, state
236 university, state college, or independent postsecondary institution.
- 237 (12) 'Level I risk assessment classification' means the sexual offender is a low sex
238 offense risk and low recidivism risk for future sexual offenses.
- 239 (13) 'Level II risk assessment classification' means the sexual offender is an intermediate
240 sex offense risk and intermediate recidivism risk for future sexual offenses and includes
241 all sexual offenders who do not meet the criteria for classification either as a sexually
242 dangerous predator or for Level I risk assessment.
- 243 (14) 'Minor' means any individual under the age of 18 years and any individual that the
244 sexual offender believed at the time of the offense was under the age of 18 years if such
245 individual was the victim of an offense.

246 (15) 'Public and community swimming pools' includes municipal, school, hotel, motel,
 247 or any pool to which access is granted in exchange for payment of a daily fee. The term
 248 includes apartment complex pools, country club pools, or subdivision pools which are
 249 open only to residents of the subdivision and their guests. This term does not include a
 250 private pool or hot tub serving a single-family dwelling and used only by the residents
 251 of the dwelling and their guests.

252 (16) 'Required registration information' means:

253 (A) Name; social security number; age; race; sex; date of birth; height; weight; hair
 254 color; eye color; fingerprints; and photograph;

255 (B) Address, within this state or out of state, and, if applicable in addition to the
 256 address, a rural route address and a post office box;

257 (C) If the place of residence is a motor vehicle or trailer, the vehicle identification
 258 number, the license tag number, and a description, including color scheme, of the motor
 259 vehicle or trailer;

260 (D) If the place of residence is a mobile home, the mobile home location permit
 261 number; the name and address of the owner of the home; a description, including the
 262 color scheme of the mobile home; and, if applicable, a description of where the mobile
 263 home is located on the property;

264 (E) If the place of residence is a manufactured home, the name and address of the
 265 owner of the home; a description, including the color scheme of the manufactured
 266 home; and, if applicable, a description of where the manufactured home is located on
 267 the property;

268 (F) If the place of residence is a vessel, live-aboard vessel, or houseboat, the hull
 269 identification number; the manufacturer's serial number; the name of the vessel,
 270 live-aboard vessel, or houseboat; the registration number; and a description, including
 271 color scheme, of the vessel, live-aboard vessel, or houseboat;

272 (F.1) If the place of residence is the status of homelessness, information as provided
 273 under paragraph (2.1) of subsection (f) of this Code section;

274 (G) Date of employment, place of any employment, and address of employer;

275 (H) Place of vocation and address of the place of vocation;

276 (I) Vehicle make, model, color, and license tag number;

277 (J) If enrolled, employed, or carrying on a vocation at an institution of higher education
 278 in this state, the name, address, and county of each institution, including each campus
 279 attended, and enrollment or employment status; ~~and~~

280 (K) The name of the crime or crimes for which the sexual offender is registering and
 281 the date released from prison or placed on probation, parole, or supervised release; and

282 (L) The landline and mobile telephone numbers of the sexual offender.

283 (17) 'Risk assessment classification' means the notification level into which a sexual
284 offender is placed based on the board's assessment.

285 (18) 'School' means all public and private kindergarten, elementary, and secondary
286 schools.

287 (19) 'School bus stop' means a school bus stop as designated by local school boards of
288 education or by a private school.

289 (20) 'Sexual offender' means any individual:

290 (A) Who has been convicted of a criminal offense against a victim who is a minor or
291 any dangerous sexual offense;

292 (B) Who has been convicted under the laws of another state or territory, under the laws
293 of the United States, under the Uniform Code of Military Justice, or in a tribal court of
294 a criminal offense against a victim who is a minor or a dangerous sexual offense; or

295 (C) Who is required to register pursuant to subsection (e) of this Code section.

296 (21) 'Sexually dangerous predator' means a sexual offender:

297 (A) Who was designated as a sexually violent predator between July 1, 1996, and
298 June 30, 2006; or

299 (B) Who is determined by the Sexual Offender Registration Review Board to be at risk
300 of perpetrating any future dangerous sexual offense.

301 (22) 'Vocation' means any full-time, part-time, or volunteer employment with or without
302 compensation exceeding 14 consecutive days or for an aggregate period of time
303 exceeding 30 days during any calendar year.

304 (b) Before a sexual offender who is required to register under this Code section is released
305 from prison or placed on parole, supervised release, or probation, the appropriate official
306 shall:

307 (1) Inform the sexual offender of the obligation to register, the amount of the registration
308 fee, and how to maintain registration;

309 (2) Obtain the information necessary for the required registration information;

310 (3) Inform the sexual offender that, if the sexual offender changes any of the required
311 registration information, other than residence address, the sexual offender shall give the
312 new information to the sheriff of the county with whom the sexual offender is registered
313 within 72 hours of the change of information; if the information is the sexual offender's
314 new residence address, the sexual offender shall give the information to the sheriff of the
315 county with whom the sexual offender last registered within 72 hours prior to moving and
316 to the sheriff of the county to which the sexual offender is moving within 72 hours prior
317 to moving;

318 (4) Inform the sexual offender that he or she shall also register in any state where he or
319 she is employed, carries on a vocation, or is a student;

- 320 (5) Inform the sexual offender that, if he or she changes residence to another state, the
321 sexual offender shall register the new address with the sheriff of the county with whom
322 the sexual offender last registered and that the sexual offender shall also register with a
323 designated law enforcement agency in the new state within 72 hours after establishing
324 residence in the new state;
- 325 (6) Obtain fingerprints and a current photograph of the sexual offender;
- 326 (7) Require the sexual offender to read and sign a form stating that the obligations of the
327 sexual offender have been explained;
- 328 (8) Obtain and forward any information obtained from the clerk of court pursuant to
329 Code Section 42-5-50 to the sheriff's office of the county in which the sexual offender
330 will reside; and
- 331 (9) If required by Code Section 42-1-14, place any required electronic monitoring system
332 on the sexually dangerous predator and explain its operation and cost.
- 333 (c) The Department of Corrections shall:
- 334 (1) Forward to the Georgia Bureau of Investigation a copy of the form stating that the
335 obligations of the sexual offender have been explained;
- 336 (2) Forward any required registration information to the Georgia Bureau of Investigation;
- 337 (3) Forward the sexual offender's fingerprints and photograph to the sheriff's office of
338 the county where the sexual offender is going to reside;
- 339 (4) Inform the board and the prosecuting attorney for the jurisdiction in which a sexual
340 offender was convicted of the impending release of a sexual offender at least eight
341 months prior to such release so as to facilitate compliance with Code Section 42-1-14;
342 and
- 343 (5) Keep all records of sexual offenders in a secure facility in accordance with Code
344 Sections 15-1-10, 15-6-62, and 15-6-62.1 until official proof of death of a registered
345 sexual offender; thereafter, the records shall be destroyed.
- 346 (c.1) The Department of Community Supervision shall keep all records of sexual offenders
347 in a secure facility in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1 until
348 official proof of death of a registered sexual offender; thereafter, the records shall be
349 destroyed.
- 350 (d) No sexual offender shall be released from prison or placed on parole, supervised
351 release, or probation until:
- 352 (1) The appropriate official has provided the Georgia Bureau of Investigation and the
353 sheriff's office in the county where the sexual offender will be residing with the sexual
354 offender's required registration information and risk assessment classification level; and

- 355 (2) The sexual offender's name has been added to the list of sexual offenders maintained
356 by the Georgia Bureau of Investigation and the sheriff's office as required by this Code
357 section.
- 358 (e) Registration pursuant to this Code section shall be required by any individual who:
- 359 (1) Is convicted on or after July 1, 1996, of a criminal offense against a victim who is a
360 minor;
- 361 (2) Is convicted on or after July 1, 1996, of a dangerous sexual offense;
- 362 (3) Has previously been convicted of a criminal offense against a victim who is a minor
363 and may be released from prison or placed on parole, supervised release, or probation on
364 or after July 1, 1996;
- 365 (4) Has previously been convicted of a sexually violent offense or dangerous sexual
366 offense and may be released from prison or placed on parole, supervised release, or
367 probation on or after July 1, 1996;
- 368 (5) Is a resident of Georgia who intends to reside in this state and who is convicted under
369 the laws of another state or the United States, under the Uniform Code of Military Justice,
370 or in a tribal court of a sexually violent offense, a criminal offense against a victim who
371 is a minor on or after July 1, 1999, or a dangerous sexual offense on or after July 1, 1996;
- 372 (6) Is a nonresident who changes residence from another state or territory of the United
373 States or any other place to Georgia who is required to register as a sexual offender under
374 federal law, military law, tribal law, or the laws of another state or territory or who has
375 been convicted in this state of a criminal offense against a victim who is a minor or any
376 dangerous sexual offense;
- 377 (7) Is a nonresident sexual offender who enters this state for the purpose of employment
378 or any other reason for a period exceeding 14 consecutive days or for an aggregate period
379 of time exceeding 30 days during any calendar year regardless of whether such sexual
380 offender is required to register under federal law, military law, tribal law, or the laws of
381 another state or territory; or
- 382 (8) Is a nonresident sexual offender who enters this state for the purpose of attending
383 school as a full-time or part-time student regardless of whether such sexual offender is
384 required to register under federal law, military law, tribal law, or the laws of another state
385 or territory.
- 386 (f) Any sexual offender required to register under this Code section shall:
- 387 (1) Provide the required registration information to the appropriate official before being
388 released from prison or placed on parole, supervised release, or probation;
- 389 (2) Register in person with the sheriff of the county in which the sexual offender resides
390 within 72 hours after the sexual offender's release from prison or placement on parole,
391 supervised release, probation, or entry into this state;

- 392 (2.1) In the case of a sexual offender whose place of residence is the status of
393 homelessness, in lieu of the requirements of paragraph (2) of this subsection, register in
394 person with the sheriff of the county in which the sexual offender sleeps within 72 hours
395 after the sexual offender's release from prison or placement on parole, supervised release,
396 probation, or entry into this state and provide the location where he or she sleeps;
- 397 (3) Maintain the required registration information with the sheriff of each county in
398 which the sexual offender resides or sleeps;
- 399 (4) Renew the required registration information with the sheriff of the county in which
400 the sexual offender resides or sleeps by reporting in person to the sheriff within 72 hours
401 prior to such offender's birthday each year to be photographed and fingerprinted;
- 402 (4.1) In the case of a sexual offender who resides in a state or privately operated hospice
403 facility, skilled nursing home, or residential health care facility, with the approval of the
404 sheriff of the county where such sexual offender resides, the sexual offender may satisfy
405 the annual registration requirements of paragraph (4) of this subsection by registering at
406 any time during the sexual offender's month of birth. Additionally, in the case of a sexual
407 offender who resides in a state or privately operated hospice facility, skilled nursing
408 home, or residential health care facility, with the approval of the sheriff of the county
409 where such sexual offender resides, such sexual offender shall not be required to be
410 fingerprinted pursuant to paragraph (4) of this subsection.
- 411 (5) Update the required registration information with the sheriff of the county in which
412 the sexual offender resides within 72 hours of any change to the required registration
413 information, other than where he or she resides or sleeps if such person is homeless. If
414 the information is the sexual offender's new address, the sexual offender shall give the
415 information regarding the sexual offender's new address to the sheriff of the county in
416 which the sexual offender last registered within 72 hours prior to any change of address
417 and to the sheriff of the county to which the sexual offender is moving within 72 hours
418 prior to establishing such new address. If the sexual offender is homeless and the
419 information is the sexual offender's new sleeping location, within 72 hours of changing
420 sleeping locations, the sexual offender shall give the information regarding the sexual
421 offender's new sleeping location to the sheriff of the county in which the sexual offender
422 last registered, and if the county has changed, to the sheriff of the county to which the
423 sexual offender has moved; and
- 424 (6) Continue to comply with the registration requirements of this Code section for the
425 entire life of the sexual offender, excluding ensuing periods of incarceration.
- 426 (g) A sexual offender required to register under this Code section may petition to be
427 released from the registration requirements and from the residency or employment
428 restrictions of this Code section in accordance with the provisions of Code Section 42-1-19.

429 (h)(1) The appropriate official or sheriff shall, within 72 hours after receipt of the
430 required registration information, forward such information to the Georgia Bureau of
431 Investigation. Once the data is entered into the Criminal Justice Information System by
432 the appropriate official or sheriff, the Georgia Crime Information Center shall notify the
433 sheriff of the sexual offender's county of residence, either permanent or temporary, the
434 sheriff of the county of employment, and the sheriff of the county where the sexual
435 offender attends an institution of higher education within 24 hours of entering the data
436 or any change to the data.

437 (2) The Georgia Bureau of Investigation shall:

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

440 (B) Establish operating policies and procedures concerning record ownership, quality,
441 verification, modification, and cancellation; and

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

443 (i) Send each month Criminal Justice Information System network messages to
444 sheriffs listing sexual offenders due for verification;

445 (ii) Create a photo image file from original entries and provide such entries to sheriffs
446 to assist in sexual offender identification and verification;

447 (iii) Mail a nonforwardable verification form to the last reported address of the sexual
448 offender within ten days prior to the sexual offender's birthday;

449 (iv) If the sexual offender changes residence to another state, notify the law
450 enforcement agency with which the sexual offender shall register in the new state; and

451 (v) Maintain records required under this Code section.

452 (i) The sheriff's office in each county shall:

453 (1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators
454 residing in each county. Such list shall include the sexual offender's name; age; physical
455 description; address; crime of conviction, including conviction date and the jurisdiction
456 of the conviction; photograph; and the risk assessment classification level provided by
457 the board, and an explanation of how the board classifies sexual offenders and sexually
458 dangerous predators;

459 (2) Electronically submit and update all information provided by the sexual offender
460 within two business days to the Georgia Bureau of Investigation in a manner prescribed
461 by the Georgia Bureau of Investigation;

462 (3) Maintain and provide a list, manually or electronically, of every sexual offender
463 residing in each county so that it may be available for inspection:

464 (A) In the sheriff's office;

465 (B) In any county administrative building;

- 466 (C) In the main administrative building for any municipal corporation;
- 467 (D) In the office of the clerk of the superior court so that such list is available to the
468 public; and
- 469 (E) On a website maintained by the sheriff of the county for the posting of general
470 information;
- 471 (4) Update the public notices required by paragraph (3) of this subsection within two
472 business days of the receipt of such information;
- 473 (5) Inform the public of the presence of sexual offenders in each community;
- 474 (6) Update the list of sexual offenders residing in the county upon receipt of new
475 information affecting the residence address of a sexual offender or upon the registration
476 of a sexual offender moving into the county by virtue of release from prison, relocation
477 from another county, conviction in another state, federal court, military tribunal, or tribal
478 court. Such list, and any additions to such list, shall be delivered, within 72 hours of
479 updating the list of sexual offenders residing in the county, to all schools or institutions
480 of higher education located in the county;
- 481 (7) Within 72 hours of the receipt of changed required registration information, notify
482 the Georgia Bureau of Investigation through the Criminal Justice Information System of
483 each change of information;
- 484 (8) Retain the verification form stating that the sexual offender still resides at the address
485 last reported;
- 486 (9) Enforce the criminal provisions of this Code section. The sheriff may request the
487 assistance of the Georgia Bureau of Investigation to enforce the provisions of this Code
488 section;
- 489 (10) Cooperate and communicate with other sheriffs' offices in this state and in the
490 United States to maintain current data on the location of sexual offenders;
- 491 (11) Determine the appropriate time of day for reporting by sexual offenders, which shall
492 be consistent with the reporting requirements of this Code section;
- 493 (12) If required by Code Section 42-1-14, place any electronic monitoring system on the
494 sexually dangerous predator and explain its operation and cost; and
- 495 (13) Provide current information on names and addresses of all registered sexual
496 offenders to campus police with jurisdiction for the campus of an institution of higher
497 education if the campus is within the sheriff's jurisdiction; and
- 498 ~~(14) Collect the annual \$250.00 registration fee from the sexual offender and transmit~~
499 ~~such fees to the state for deposit into the general fund.~~
- 500 (j)(1) The sheriff of the county where the sexual offender resides or last registered shall
501 be the primary law enforcement official charged with communicating the whereabouts
502 of the sexual offender and any changes in required registration information to the sheriff's

503 office of the county or counties where the sexual offender is employed, volunteers,
504 attends an institution of higher education, or moves.

505 (2) The sheriff's office may post the list of sexual offenders in any public building in
506 addition to those locations enumerated in subsection (h) of this Code section.

507 (k) The Georgia Crime Information Center shall create the Criminal Justice Information
508 System network transaction screens by which appropriate officials shall enter original data
509 required by this Code section. Screens shall also be created for sheriffs' offices for the
510 entry of record confirmation data; employment; changes of residence, institutions of higher
511 education, or employment; or other pertinent data to assist in sexual offender identification.

512 (l)(1) On at least an annual basis, the Department of Education shall obtain from the
513 Georgia Bureau of Investigation a complete list of the names and addresses of all
514 registered sexual offenders and shall provide access to such information, accompanied
515 by a hold harmless provision, to each school in this state. In addition, the Department of
516 Education shall provide information to each school in this state on accessing and
517 retrieving from the Georgia Bureau of Investigation's website a list of the names and
518 addresses of all registered sexual offenders.

519 (2) On at least an annual basis, the Department of Early Care and Learning shall provide
520 current information to all child care programs regulated pursuant to Code
521 Section 20-1A-10 and to all child care learning centers, day-care, group day-care, and
522 family day-care programs regulated pursuant to Code Section 49-5-12 on accessing and
523 retrieving from the Georgia Bureau of Investigation's website a list of the names and
524 addresses of all registered sexual offenders and shall include, on a continuing basis, such
525 information with each application for licensure, commissioning, or registration for early
526 care and education programs.

527 (3) On at least an annual basis, the Department of Human Services shall provide current
528 information to all long-term care facilities for children on accessing and retrieving from
529 the Georgia Bureau of Investigation's website a list of the names and addresses of all
530 registered sexual offenders.

531 (m) Within ten days of the filing of a defendant's discharge and exoneration of guilt
532 pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of
533 discharge and exoneration to the Georgia Bureau of Investigation and any sheriff
534 maintaining records required under this Code section.

535 (n) Any individual who:

536 (1) Is required to register under this Code section and who fails to comply with the
537 requirements of this Code section;

538 (2) Provides false information; or

539 (3) Fails to respond directly to the sheriff of the county where he or she resides or sleeps
540 within 72 hours prior to such individual's birthday
541 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor
542 more than 30 years; provided, however, that upon the conviction of the second offense
543 under this subsection, the defendant shall be punished by imprisonment for not less than
544 five nor more than 30 years.

545 (o) The information collected pursuant to this Code section shall be treated as private data
546 except that:

547 (1) Such information may be disclosed to law enforcement agencies for law enforcement
548 purposes;

549 (2) Such information may be disclosed to government agencies conducting confidential
550 background checks; and

551 (3) The Georgia Bureau of Investigation or any sheriff maintaining records required
552 under this Code section shall, in addition to the requirements of this Code section to
553 inform the public of the presence of sexual offenders in each community, release such
554 other relevant information collected under this Code section that is necessary to protect
555 the public concerning sexual offenders required to register under this Code section,
556 except that the identity of a victim of an offense that requires registration under this Code
557 section shall not be released.

558 (p) The Board of Public Safety is authorized to promulgate rules and regulations necessary
559 for the Georgia Bureau of Investigation and the Georgia Crime Information Center to
560 implement and carry out the provisions of this Code section.

561 (q) Law enforcement agencies, employees of law enforcement agencies, and state officials
562 shall be immune from liability for good faith conduct under this article.

563 (r) Any violation of this Code section is declared to be a continuous offense, and venue for
564 such offense shall be considered to have been committed in any county where:

565 (1) A sexual offender is required to register;

566 (2) An accused fails to comply with the requirements of this Code section; or

567 (3) An accused provides false information."

568 SECTION 2.

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