

# Georgia's Sex Offender Registry. Part I: Registration Requirements

In recent years, Georgia's sex offender registry has been liberally expanded through a series of controversial legislative enactments that has resulted in the registration of more than 20,000 Georgia citizens. Below is a summary of the key components of the statute and the residency/employment restrictions for those subject to the registry.

## Crimes Requiring Registration

Defendants must register if they have been convicted of a crime against a minor or a dangerous sexual offense. Misdemeanor convictions and offenses adjudicated in juvenile court are exempted from the registration statutes.

### a. Offenses Against Minors

For convictions occurring on or before June 30, 2001, the defendant must register if the conviction was for one of the following:

- Kidnapping of a minor by someone other than a parent;
- False imprisonment of a minor by someone other than a parent;
- Criminal sexual conduct towards a minor;
- Solicitation of a minor to engage in sexual conduct;
- Use of a minor in a sexual performance;
- Solicitation of a minor to practice prostitution; or
- Any conviction resulting from an underlying sexual offense against a minor victim.

For convictions occurring after June 30, 2001, the defendant must register if the conviction was for one of the following:

- Kidnapping of a minor by someone other than a parent;
- False imprisonment of a minor by someone other than a parent;
- Criminal sexual conduct towards a minor;
- Solicitation of a minor to engage in sexual conduct;
- Use of a minor in a sexual performance;
- Solicitation of a minor to practice prostitution;
- Use of a minor to engage in sexually explicit conduct to produce visual media;
- Creating, publishing, selling, distributing, or possessing child pornography;
- Transmitting, making, selling, buying or disseminating by computer information about a child for the purpose of offering or soliciting sexual conduct of or with a child or the visual depiction of such conduct;
- Conspiracy to transport, ship, receive or distribute visual depictions of minors engaged in sexually explicit conduct;
- Any conduct which by its nature is a sexual offense against a victim who is a minor.

### b. Dangerous Sexual Offenses

For convictions occurring on or before June 30, 2006, the defendant must register if the conviction was for one of the following:

- Aggravated assault with intent to rape;
- Rape;
- Aggravated sodomy;
- Aggravated child molestation; and
- Aggravated sexual battery.

For convictions occurring after June 30, 2006, the defendant must register if the conviction was for any of the following:

- Aggravated assault with intent to rape;
- Kidnapping of a minor less than 14 years of age by someone other than a parent;
- False imprisonment of a minor less than 14 years of age by someone other than a parent;
- Rape;
- Sodomy;
- Aggravated sodomy;
- Statutory rape if the individual convicted is 21 years or older;
- Child molestation;
- Aggravated child molestation;
- Enticing a child for indecent purposes;
- Sexual assault against persons in custody,
- Incest;
- A second conviction for sexual battery;
- Aggravated sexual battery;
- Sexual exploitation of children;
- Electronically furnishing obscene materials to minors;
- Computer pornography and child exploitation;
- Obscene telephone contact, and
- Any other conduct that by its nature is a sexual offense against a victim who is a minor.

### **c. Misdemeanors and Juvenile Adjudications**

If the person has been convicted of a misdemeanor or is adjudicated in juvenile court, the offense shall not be considered a criminal offense against a minor or a dangerous sexual offense.

### **Who Must Register?**

A Sexual Offender is defined as:

- Anyone convicted on or after July 1, 1996, of a criminal offense against a minor or of a dangerous sexual offense as outlined above;
- Anyone who has previously been convicted of a criminal offense against a minor or of a dangerous sexual offense and is released from prison or placed on parole, supervised release, or probation on or after July 1, 1996;
- Any resident of Georgia convicted in another state of (1) a criminal offense against a minor on or after July 1, 1999, or (2) a dangerous sexual offense on or after July 1, 1996, regardless of whether the individual is required to register under the other state's law;
- Any nonresident of Georgia who moves from another state, territory, or any other place who is required to register under the laws of any other state or territory;
- Any nonresident sexual offender who enters the state for more than 14 consecutive days

for employment purposes or more than 30 aggregate days in a calendar year regardless of whether the individual is required to register under state, federal, military or tribal law;

- Any nonresident sexual offender who enters the state for the purpose of attending school regardless of whether or not the offender is required to register under another state, federal, military, or tribal law.

## **Registration Requirements**

Convicted persons must comply with a myriad of rules requiring them to provide official notification to local authorities of their presence in the community. The highlights include the following:

- Anyone subject to the registry must comply with these requirements for the duration of his or her life unless he/she successfully petitions for release from the registration requirements under O.C.G.A. § 42-1-19 (will be discussed in Part II).
  - The Sexual Offender Registration Review Board determines the risk assessment classification of each person who is required to register. Each person will be assigned to either Level I risk classification, Level II risk classification, or Level III risk classification (declared a sexually dangerous predator).
- Anyone declared to be a sexually dangerous predator by the Review Board must wear and pay for an electronic monitoring device for life. This finding may be appealed by the individual.

## **Residency and Employment Restrictions**

Anyone required to register for an offense committed after July 1, 2008 is prohibited from living or working certain distances from child care facilities, churches, schools, or areas where minors congregate. Failure to maintain this distance may result in further penalty or civil liability. The distance is measured from the outer boundary of the property on which the individual resides or works to the outer boundary of the child care facility, church, school, or area where minors congregate.

- A registrant shall not reside within 1,000 feet of any child care facility, church, school, or area where minors congregate.
- Likewise, no registered individual may be employed by or volunteer at a child care facility, church, or school, nor be employed by or volunteer at any business or entity that is within 1,000 feet of a child care facility, school, or church.
- No individual who is a sexually dangerous predator shall work or volunteer for a business or entity located within 1,000 feet of an area where minors congregate.
- If a registered individual owns or leases property and a child care facility, church, school, or area where minors congregate later locates itself within 1,000 feet of that property, or if a registered individual has established employment and a child care facility, church, school, or area where minors congregate thereafter locates itself within 1,000 feet of that employment, the individual will be permitted to remain there without being in violation of the statute.