

House Bill 192

By: Representatives Sainz of the 180<sup>th</sup>, Burchett of the 176<sup>th</sup>, Efstoration of the 104<sup>th</sup>, and Hitchens of the 161<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-7-29, Article 2 of Chapter 6 of Title 5, and Article 1 of Chapter 3  
2 of Title 35 of the Official Code of Georgia Annotated, relating to interference with electronic  
3 monitoring devices, "electronic monitoring device" defined, and penalty, appellate practice,  
4 and general provisions regarding the Georgia Bureau of Investigation, respectively, so as to  
5 revise the duties of the Georgia Bureau of Investigation; so as to revise the name of the  
6 Sexual Offender Registration Review Board; to make conforming changes; to revise  
7 electronic monitoring conditions; to provide for a response to *Park v. State*, 2019 Ga. LEXIS  
8 138 (March 4, 2019); to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 16-7-29 of the Official Code of Georgia Annotated, relating to interference  
12 with electronic monitoring devices, "electronic monitoring device" defined, and penalty, is  
13 amended by revising subsection (b) as follows:

14 "(b) It shall be unlawful for any person to knowingly and without authority remove,  
15 destroy, or circumvent the operation of an electronic monitoring device which is being used  
16 for the purpose of monitoring a person who is:

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- 17 (1) Complying with a home arrest program as set forth in Code Section 42-1-8;  
 18 (2) Wearing an electronic monitoring device as a condition of bond or pretrial release;  
 19 (3) Wearing an electronic monitoring device as a condition of probation; or  
 20 (4) Wearing an electronic monitoring device as a condition of parole; ~~or~~  
 21 (5) ~~Wearing an electronic monitoring device as required in Code Section 42-1-14."~~

22 **SECTION 2.**

23 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to  
 24 appellate practice, is amended in Code Section 5-6-35, relating to cases requiring application  
 25 for appeal, requirements for application, exhibits, response, issuance of appellate court order  
 26 regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals involving  
 27 nonmonetary judgments in custody cases, by revising paragraph (5.1) of subsection (a) as  
 28 follows:

29 "(5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual  
 30 Offender ~~Registration~~ Risk Review Board;"

31 **SECTION 3.**

32 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to  
 33 general provisions regarding the Georgia Bureau of Investigation, is amended in Code  
 34 Section 35-3-4, relating to powers and duties of bureau generally, by revising paragraph (15)  
 35 of subsection (a) as follows:

36 "(15)(A) ~~Acquire, collect, analyze, and provide to the board any information~~ Provide  
 37 to the board upon request an analysis of criminal history record information as defined  
 38 in subparagraph (A) of paragraph (4) of Code Section 35-3-30, which will assist the  
 39 board in determining a sexual offender's risk assessment classification in accordance  
 40 with the board's duties as specified in Code Section 42-1-14, ~~including, but not limited~~  
 41 ~~to, obtaining:~~

- 42 ~~(i) Incident, investigative, supplemental, and arrest reports from law enforcement~~  
43 ~~agencies;~~  
44 ~~(ii) Records from clerks of court;~~  
45 ~~(iii) Records and information maintained by prosecuting attorneys;~~  
46 ~~(iv) Records maintained by state agencies, provided that any records provided by the~~  
47 ~~State Board of Pardons and Paroles that are classified as confidential state secrets~~  
48 ~~pursuant to Code Section 42-9-53 shall remain confidential and shall not be made~~  
49 ~~available to any other person or entity or be subject to subpoena unless declassified~~  
50 ~~by the State Board of Pardons and Paroles; and~~  
51 ~~(v) Other documents or information as requested by the board.~~

52 (B) As used in this paragraph, the term:

- 53 (i) 'Board' means the Sexual Offender ~~Registration~~ Risk Review Board.  
54 (ii) 'Risk assessment classification' means the level into which a sexual offender is  
55 placed based on the board's assessment.  
56 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12;  
57 and"

58 **SECTION 4.**

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