

Senate Bill 269

By: Senators Payne of the 54th and Mullis of the 53rd

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 the Sexual Offender Registration Review Board, so as to revise a definition; to  
3 provide a penalty for persons who are classified as sexually dangerous predators who fail to  
4 report and update registration information as required by law; to provide for related matters;  
5 to provide an effective date; to repeal conflicting laws; and for other purposes.

6

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8

**SECTION 1.**

9 Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the  
10 Sexual Offender Registration Review Board, is amended by revising paragraph (10) of  
11 subsection (a) and subsection (n) of Code Section 42-1-12, relating to the state sexual  
12 offender registry, as follows:

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

- 18 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
- 19 (ii) Rape in violation of Code Section 16-6-1;
- 20 (iii) Aggravated sodomy in violation of Code Section 16-6-2;
- 21 (iv) Aggravated child molestation in violation of Code Section 16-6-4; or
- 22 (v) Aggravated sexual battery in violation of Code Section 16-6-22.2.

23 (B) 'Dangerous sexual offense' with respect to convictions occurring between  
24 July 1, 2006, and June 30, 2015, means any criminal offense, or the attempt to commit  
25 any criminal offense, under Title 16 as specified in this paragraph or any offense under  
26 federal law or the laws of another state or territory of the United States which consists  
27 of the same or similar elements of the following offenses:

- 28 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 29 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 30 is less than 14 years of age, except by a parent;  
 31 (iii) False imprisonment in violation of Code Section 16-5-41 which involves a  
 32 victim who is less than 14 years of age, except by a parent;  
 33 (iv) Rape in violation of Code Section 16-6-1;  
 34 (v) Sodomy in violation of Code Section 16-6-2;  
 35 (vi) Aggravated sodomy in violation of Code Section 16-6-2;  
 36 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 37 of the offense is 21 years of age or older;  
 38 (viii) Child molestation in violation of Code Section 16-6-4;  
 39 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 40 person was convicted of a misdemeanor offense;  
 41 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;  
 42 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;  
 43 (xii) Incest in violation of Code Section 16-6-22;  
 44 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;  
 45 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;  
 46 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;  
 47 (xvi) Electronically furnishing obscene material to minors in violation of Code  
 48 Section 16-12-100.1;  
 49 (xvii) Computer pornography and child exploitation in violation of Code  
 50 Section 16-12-100.2;  
 51 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or  
 52 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 53 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 54 (B.1) 'Dangerous sexual offense' with respect to convictions occurring between  
 55 July 1, 2015, and June 30, 2017, means any criminal offense, or the attempt to commit  
 56 any criminal offense, under Title 16 as specified in this subparagraph or any offense  
 57 under federal law or the laws of another state or territory of the United States which  
 58 consists of the same or similar elements of the following offenses:
- 59 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 60 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 61 is less than 14 years of age, except by a parent;  
 62 (iii) Trafficking a person for sexual servitude in violation of Code Section 16-5-46;  
 63 (iv) Rape in violation of Code Section 16-6-1;  
 64 (v) Sodomy in violation of Code Section 16-6-2;

- 65 (vi) Aggravated sodomy in violation of Code Section 16-6-2;  
 66 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 67 of the offense is 21 years of age or older;  
 68 (viii) Child molestation in violation of Code Section 16-6-4;  
 69 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 70 person was convicted of a misdemeanor offense;  
 71 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;  
 72 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;  
 73 (xii) Incest in violation of Code Section 16-6-22;  
 74 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;  
 75 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;  
 76 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;  
 77 (xvi) Electronically furnishing obscene material to minors in violation of Code  
 78 Section 16-12-100.1;  
 79 (xvii) Computer pornography and child exploitation in violation of Code  
 80 Section 16-12-100.2;  
 81 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or  
 82 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 83 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 84 (B.2) 'Dangerous sexual offense' with respect to convictions occurring ~~after~~  
 85 ~~June 30, 2017~~ between July 1, 2017, and June 30, 2020, means any criminal offense,  
 86 or the attempt to commit any criminal offense, under Title 16 as specified in this  
 87 subparagraph or any offense under federal law or the laws of another state or territory  
 88 of the United States which consists of the same or similar elements of the following  
 89 offenses:
- 90 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 91 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 92 is less than 14 years of age, except by a parent;  
 93 (iii) Trafficking an individual for sexual servitude in violation of Code  
 94 Section 16-5-46;  
 95 (iv) Rape in violation of Code Section 16-6-1;  
 96 (v) Sodomy in violation of Code Section 16-6-2;  
 97 (vi) Aggravated sodomy in violation of Code Section 16-6-2;  
 98 (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 99 of the offense is 21 years of age or older;  
 100 (viii) Child molestation in violation of Code Section 16-6-4;

- 101 (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 102 person was convicted of a misdemeanor offense;
- 103 (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- 104 (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- 105 (xii) Incest in violation of Code Section 16-6-22;
- 106 (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- 107 (xiv) Aggravated sexual battery in violation of Code Section 16-6-22.2;
- 108 (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- 109 (xvi) Electronically furnishing obscene material to minors in violation of Code  
 110 Section 16-12-100.1;
- 111 (xvii) Computer pornography and child exploitation in violation of Code  
 112 Section 16-12-100.2;
- 113 (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- 114 (xix) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 115 minor or an attempt to commit a sexual offense against a victim who is a minor.
- 116 (B.3) 'Dangerous sexual offense' with respect to convictions occurring after  
 117 June 30, 2020, means any criminal offense, or the attempt to commit any criminal  
 118 offense, under Title 16 as specified in this subparagraph or any offense under federal  
 119 law or the laws of another state or territory of the United States which consists of the  
 120 same or similar elements of the following offenses:
- 121 (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-21;  
 122 (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who  
 123 is less than 14 years of age, except by a parent;
- 124 (iii) Trafficking an individual for sexual servitude in violation of Code  
 125 Section 16-5-46;
- 126 (iv) Sexual abuse of a disabled adult, elder person, or resident in violation of Code  
 127 Section 16-5-102;
- 128 (v) Rape in violation of Code Section 16-6-1;
- 129 (vi) Sodomy in violation of Code Section 16-6-2;
- 130 (vii) Aggravated sodomy in violation of Code Section 16-6-2;
- 131 (viii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted  
 132 of the offense is 21 years of age or older;
- 133 (ix) Child molestation in violation of Code Section 16-6-4;
- 134 (x) Aggravated child molestation in violation of Code Section 16-6-4, unless the  
 135 person was convicted of a misdemeanor offense;
- 136 (xi) Enticing a child for indecent purposes in violation of Code Section 16-6-5;

- 137 (xii) Sexual assault by persons with supervisory or disciplinary authority in violation  
 138 of Code Section 16-6-5.1;  
 139 (xiii) Incest in violation of Code Section 16-6-22;  
 140 (xiv) A second conviction for sexual battery in violation of Code Section 16-6-22.1;  
 141 (xv) Aggravated sexual battery in violation of Code Section 16-6-22.2;  
 142 (xvi) Sexual exploitation of children in violation of Code Section 16-12-100;  
 143 (xvii) Electronically furnishing obscene material to minors in violation of Code  
 144 Section 16-12-100.1;  
 145 (xviii) Computer pornography and child exploitation in violation of Code  
 146 Section 16-12-100.2;  
 147 (xix) Obscene telephone contact in violation of Code Section 16-12-100.3; or  
 148 (xx) Any conduct which, by its nature, is a sexual offense against a victim who is a  
 149 minor or an attempt to commit a sexual offense against a victim who is a minor.  
 150 (C) For purposes of this paragraph, a conviction for a misdemeanor shall not be  
 151 considered a dangerous sexual offense, and conduct which is adjudicated in juvenile  
 152 court shall not be considered a dangerous sexual offense."

153 "(n) Any individual who:

- 154 (1) Is required to register under this Code section and who fails to comply with the  
 155 requirements of this Code section;  
 156 (2) Is required to verify or update his or her required registration information pursuant  
 157 to subsection (f) of Code Section 42-1-14 and who fails to comply with such  
 158 requirements;  
 159 ~~(2)~~(3) Provides false information; or  
 160 ~~(3)~~(4) Fails to respond directly to the sheriff of the county where he or she resides or  
 161 sleeps within 72 hours prior to such individual's birthday  
 162 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor  
 163 more than 30 years; provided, however, that upon the conviction of the second or  
 164 subsequent offense under this subsection, the defendant shall be punished by imprisonment  
 165 for not less than five nor more than 30 years."

166 **SECTION 2.**

167 This Act shall become effective on July 1, 2020.

168 **SECTION 3.**

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