

GEORGIA SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

6,895 as of February 12, 2003.

1. WHO IS REQUIRED TO REGISTER?

Individuals convicted of a criminal offense against a victim who is a minor or a sexually violent offense and those found to be sexually violent predators must register.

2. WHAT DOES “CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR” MEAN?

“Criminal offense against a victim who is a minor” with respect to convictions occurring on or before June 30, 2001, means a criminal offense that consists of:

- (1) kidnapping of a minor, except by a parent;
- (2) false imprisonment of a minor, except by a parent;
- (3) criminal sexual conduct toward a minor;
- (4) solicitation of a minor to engage in sexual conduct;
- (5) use of a minor in a sexual performance;
- (6) solicitation of a minor to practice prostitution; or
- (7) any conviction resulting from an underlying offense against a victim who is a minor.

(Ga. Code Ann. § 42-1-12(a)(4)(A))

“Criminal offense against a minor” with respect to convictions occurring after June 30, 2001, means any criminal offense that consists of:

- (1) kidnapping of a minor, except by a parent;
- (2) false imprisonment of a minor, except by a parent;
- (3) criminal sexual conduct toward a minor;
- (4) solicitation of a minor to engage in sexual conduct;
- (5) use of a minor in a sexual performance;
- (6) solicitation of a minor to practice prostitution;
- (7) use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct;
- (8) creating, publishing, selling, or distributing any material depicting a minor engaged in sexually explicit conduct;
- (9) transmitting, making, selling, buying, or disseminating, by means of a computer, any descriptive or identifying information regarding a minor for the purpose of offering or soliciting sexual conduct of or with a minor or the visual depiction of such conduct; or
- (10) any conduct which, by its nature, is a sexual offense against a minor.

(Ga. Code Ann. § 42-1-12(a)(4)(B))

Conduct that is criminal only because of the victim's age is not a criminal offense if the perpetrator is 18 or younger.

(Ga. Code Ann. § 42-1-12(a)(4)(C))

3. WHAT DOES "SEXUALLY VIOLENT OFFENSE" MEAN?

"Sexually violent offense" means a conviction for:

- (1) rape;
- (2) aggravated sodomy;
- (3) aggravated child molestation;
- (4) aggravated sexual battery;
- (5) an offense that has as its element engaging in physical contact with another person with the intent to commit an offense listed in (1) through (4) above; or
- (6) a conviction in a federal court, military court, tribal court, or court of another state or territory for any offense which, under the laws of Georgia, would be a sexually violent offense.

(Ga. Code Ann. § 42-1-12(a)(7))

4. WHAT DOES "SEXUALLY VIOLENT PREDATOR" MEAN?

"Sexually violent predator" means a person who has been convicted on or after July 1, 1996, of a sexually violent offense and who suffers from a mental abnormality or personality disorder or an attitude that places him or her at risk of perpetrating future predatory sexually violent offenses.

(Ga. Code Ann. § 42-1-12(a)(8))

5. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Please contact the Georgia Bureau of Investigation or local law enforcement for information on juvenile offenders.

6. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An offender must register with the appropriate sheriff's office in the county where he or she will reside within 10 days after his or her release from prison or placement on parole, supervised release, or probation.

(Ga. Code Ann. §§ 42-1-12(b)(1)(A)-(B))

7. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Information that must be given in the initial registration includes the offender's:

- (1) name;
- (2) current address;
- (3) place of employment and vocation, if any;
- (4) offense for which he or she was convicted;
- (5) school name and address, if any; and
- (6) date released from prison or placed on parole, supervised release, or probation.

(Ga. Code Ann. §§ 42-1-12(b)(1)(A)-(B))

In addition to (1) through (6) above, state officials must obtain the following information on sexually violent predators:

- (1) descriptive physical and behavioral information to assist law-enforcement personnel in identifying the predator;

- (2) known current or proposed residence addresses of the predator; and
- (3) documentation of any treatment received for any mental abnormality or personality disorder.

(Ga. Code Ann. § 42-1-12(b)(3)(B))

8. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If an offender changes his or her residence address, employment address, vocation address, school name, school address, or enrollment status, he or she must give the new information to the sheriff(s) with whom he or she last registered and the sheriff(s) of the county to which he or she is changing residence address, employment address, vocation address, school name, school address, or enrollment status no later than 10 days after making the change.

(Ga. Code Ann. § 42-1-12(b)(3)(A)(ii))

9. WHAT HAPPENS IF AN OFFENDER MOVES FROM GEORGIA TO ANOTHER STATE?

If an offender changes residence to another state, he or she must register his or her new address with the sheriff(s) with whom he or she last registered and with a designated law-enforcement agency in the new state no later than 10 days after establishing residence in the new state.

(Ga. Code Ann. § 42-1-12(b)(3)(A)(iv); § 42-1-12(f))

If an offender changes residence to another state, the Georgia Bureau of Investigation must notify the law-enforcement agency with which he or she must register in the new state.

(Ga. Code Ann. § 42-1-12(e))

An offender must also register in any state where he or she is employed, carries on a vocation, or is a student.

(Ga. Code Ann. § 42-1-12(b)(3)(A)(iii))

10. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO GEORGIA REQUIRED TO REGISTER?

Any person changing residence from another state or territory of the United States to Georgia who is required to register under federal law or the laws of another state, territory, or tribal authority or who has been convicted of an offense in another state, territory, or tribal authority which would require registration in Georgia if committed in Georgia must comply with the registration requirements. An out-of-state offender must register his or her new address and employment information with the appropriate sheriff of the county no later than 10 days after the date of establishing residency in Georgia.

(Ga. Code Ann. § 42-1-12(b)(3)(D))

11. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN GEORGIA?

Any nonresident offender who lives in another state but works or goes to school in Georgia and who is required to register under federal law, military law, tribal law, or the laws of another state or territory, is required to register in Georgia within 10 days after entering Georgia.

(Ga. Code Ann. § 42-1-12(b)(3)(E))

12. IS REGISTRATION A LIFETIME REQUIREMENT?

Registration is normally required for a period of 10 years from the time the offender is released from prison or placed on parole, supervised release, or probation; however, some offenders must register for life including those who:

- (1) have one or more prior convictions for criminal offenses against a victim who is a minor;
- (2) have one or more prior convictions for sexually violent offenses;
- (3) have been convicted of an aggravated sexually violent offense; or
- (4) have been designated sexually violent predators.

(Ga. Code Ann. § 42-1-12(g))

13. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Any offender who is required to register and who fails to comply with the registration requirements or who provides false information is guilty of a felony and will be punished by imprisonment for no less than one nor more than three years; however, upon conviction for a second or subsequent offense, the offender will be punished by imprisonment for no less than one nor more than three years, or by a fine of up to \$100,000, or both.

(Ga. Code Ann. § 42-1-12(h))

14. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

Registration information may be released to the public by the Georgia Bureau of Investigation or any sheriff maintaining registration records if such release of information is necessary to protect the public.

(Ga. Code Ann. § 42-1-12(i)(3))

Sheriffs are permitted to prepare a list of sexual predators providing each sexual predator's name, address, and photograph. The list may be posted in a prominent and visible location in the sheriff's office and each city hall or primary administration building of every incorporated municipality within the county. The list is also available upon request to any public or private elementary, secondary, or postsecondary school or educational institution located in the county.

(Ga. Code Ann. § 42-1-12(b)(1)(B))

The Georgia Department of Education receives an annual list from the Georgia Bureau of Investigation of the names and addresses of all registered offenders. The Department of Education then sends the list to each public elementary and secondary school in this state. The Georgia Department of Education also provides information to each public primary and secondary school in Georgia on how to access and retrieve from the Georgia Bureau of Investigation's Internet web site a list of the names and addresses of all registered offenders. The Department of Education makes such information available to private schools upon request.

(Ga. Code Ann. § 42-1-12(c.1)(1))

The Office of School Readiness provides, on a one-time basis, information to all regulated childcare programs on how to access and retrieve from the Georgia Bureau of Investigation's Internet web site a list of the names and addresses of all registered offenders.

(Ga. Code Ann. § 42-1-12(c.1)(2))

The Georgia Department of Human Resources provides, on a one-time basis, information to all regulated daycare and group daycare programs on how to access and retrieve from the Georgia Bureau of Investigation's Internet web site a list of the names and addresses of all registered offenders.

(Ga. Code Ann. § 42-1-12(c.1)(3))

15. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Georgia Bureau of Investigation's Sex-Offender Registry is available online at <http://www.ganet.org/gbi/disclaim.html>.

The site can be searched by city, zip code, county, and the offender's name. Information available on the web site includes:

- (1) full name;
- (2) address;
- (3) race;
- (4) sex;
- (5) year of birth;
- (6) height and weight;
- (7) hair and eye color;
- (8) scars, marks, and tattoos;
- (9) conviction date;
- (10) offense for which he or she was convicted;
- (11) conviction state;
- (12) registration date; and
- (13) a photograph, if available.