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Georgia Sex Offender Act and National Sex Offender Laws

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Research Guides

Georgia Sex Offender Act and National Sex Offender Laws

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NATIONAL SEX OFFENDER LAWS - SECONDARY SOURCES

Overview

Overview

In February of 2005, a 9-year old Florida child by the name of Jessica Lungsford was abducted from her home, raped, then buried alive by John E. Couey. At the time, Couey was a convicted sex offender living nearby to the child's residence. Couey later confessed to kidnapping and killing the girl and burying her in a shallow grave. In the twelve months that followed, tragic news of national headline-grabbing cases of crimes against children spread across the country.

In the recent months, no single category of criminal has received more media attention than sex offenders. Recent headlines about the particularly heinous of rape and murder of children have led legislatures across the country to propose tougher sex offender laws that require sex offender registration, restrict where sex offenders can live, and attempt to address increasing concerns about public safety.

The increased public concern over the release of convicted sex offenders has led to the enactment of statutes all over the nation with respect to the criminal prosecution of sex offenders, mandatory registration of offenders ,and community notification.

Conclusion

As the laws of the Nation, and States, become more restrictive for Sex Offenders and those that have committed crimes against children, the case law and available resources will broaden and develop into a tremendous doctrine of how the government can, and can not impede the rights of the individual. Developments in this area of the law change drastically, daily. Comprehensive and up to date research will be necessary to gain an understanding of this developing aspect of the law.

Scope

This website has been prepared to provide a researcher "starting point" or primer for understanding the Ga. Acts 2006, no. 571 (Georgia House Bill 1059), also called the "Georgia Sex Offender Act", and the "Georgia Child Protection Act", that went into effect on July 1, 2006, and the current Constitutional challenges that have been raised in Federal and State Court.

In addition, this guide will also provide the reader with an overview of Federal and State enacted Sex Offender laws enacted throughout the United States.

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GEORGIA SEX OFFENDER ACT - PRIMARY SOURCES

Overview

NOTE: The reader is advised to review the appropriate statutory or regulatory authority to ascertain the current status of all statutes discussed herein.

Effective July 1, 2006, Ga. Acts 2006, no 571 (Georgia House Bill 1059) changes provisions throughout the Official Code of Georgia regarding criminal charges and punishment for sexual offences. The Bill passed the Georgia State House of Representatives in February of 2006 with a vote of 144-27, and won final approval by the State Senate 52-1 in late March of 2006. Among the changes are:

- Increased mandatory minimum punishment for certain serious sexual offenses,
- Lessened punishment for certain sexual offenses committed by minors,
- New criminal laws involving the withholding if information concerning sexual offenders,
- Recognition of the State of Georgia State Sexual Offender Registry
- Provision of duties and responsibilities for Georgia sheriffs, Department of Corrections, Georgia Bureau of Investigation, and the Sexual Offender Registration Review Board.
- Increased restrictions on sex offender residence, employment, and loitering restrictions for sexual offenders, and requires sexually dangerous predators to wear electronic monitoring devices for the rest of their lives.
- Repeals provisions that relate to chemical castration.

Specifically, the Act:

- Amends O.C.G.A. § § 5-6-34, 5-7-1, 16-5-21, 16-5-40, 16-5-41, 16-5-110, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5, 16-6-5.1, 16-6-22, 16-6-22.1, 16-6-22.2, 17-6-1, 17-10-1, 17-10-6.1, 17-10-30, 35-3-30, 42-1-12, 42-1-13, 42-8-35, 42-8-60, 42-9-39,
- Enacts O.C.G.A. § § 16-6-25, 17-10-6.2, 42-1-14, and 42-1-15,
- Repeals O.C.G.A. § § 42-9-44.1 and 42-9-44.2, provisions that relate to chemical castration.

Ga. Act 571 | Georgia House Bill 1059 - Appellate Sections

SECTION 2

SECTION	DESCRIPTION
Direct Appeal O.C.G.A. § 5-6-34	DIRECT APPEAL TO THE SUPREME COURT AND COURT OF APPEALS FOR SENTENCING: • Enacts O.C.G.A. § 5-6-34 (a) (11) which permits direct appeal from a judgment or order entered pursuant to O.C.G.A. § 17-10-6.2 (c). • Where O.C.G.A. § 17-10-6.2 is a new code section that implementation of mandatory minimums for sentencing of sexual offenders, and O.C.G.A. § 17-10-6.2 (c) permits the court to deviate from the mandatory minimum terms of imprisonment under certain circumstances.

SECTION 3

SECTION	DESCRIPTON
Direct Appeal O.C.G.A. § 5-6-34	DIRECT APPEAL TO THE SUPREME COURT AND COURT OF APPEALS FOR SENTENCING: • Enacts O.C.G.A. § 5-6-34 (a) (11) which permits direct appeal from a judgment or order entered pursuant to O.C.G.A. § 17-10-6.2 (c). • Where O.C.G.A. § 17-10-6.2 is a new code section that implementation of mandatory minimums for sentencing of sexual offenders, and O.C.G.A. § 17-10-6.2 (c) permits the court to deviate from the mandatory minimum terms of imprisonment under certain circumstances.

Ga. Act 571 | Georgia House Bill 1059 - Provisions

Georgia House Bill 1059 is a 38-page law with 27 sections, that modify, change or add more than 50 codified Georgia Laws. The Bill passed the Georgia State House of Representatives in February of 2006 with a vote of 144-27, and won final approval by the State Senate 52-1 in late March of 2006.

GA. ACT 571 - GEORGIA HOUSE BILL 1059

STATUTE	DESCRIPTION
Ga. Acts 2006, no 571	Full text of Ga. Acts 2006, no. 571 (Georgia House Bill 1059) provided by the Georgia General Assembly Website.
GA. Acts 2006, no 571 Legislative History	The full legislative history of the Georgia bill, including sponsors, committees, legislative actions, amendments, and status of the bill provided by the Georgia General Assembly website here.

Ga. Act 571 | Georgia House Bill 1059 - Purpose

SECTION 1

SECTION	DESCRIPTION
Statutory Purpose	The stated purposes of the legislation is (1) to incarcerate sexual offenders, (2) to require sexual offenders to register, (3) provide the community with public notification that sex offenders are present, (4) to collect data about sexual offenses and sexual offenders, (5) to require sex offenders to wear an electronic monitoring system for the remainder of their lives, and (6) to prohibit sex offenders from working with children.

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Ga. Act 571 | Georgia House Bill 1059 - Criminal Sections

Ga. Act 571 | Georgia House Bill 1059 - Criminal Sections

SECTION 4

SECTION	DESCRIPTION
Aggravated Assault O.C.G.A. § 16-5-21	AGGRAVATED ASSAULT AGAINST CHILDREN • Amends O.C.G.A. § 16-5-21 where an aggravated assault with intent to rape occurs against a child under the age of 14 to be punished by imprisonment for 25-50 years, pursuant to O.C.G.A. § 17-10-6.2 (c).

SECTION 5

SECTION	DESCRIPTION
Kidnapping O.C.G.A. § 16-5-40	KIDNAPPING CHILDREN • Amends O.C.G.A. § 16-5-40 where a kidnapping occurs against a child under the age of 14 to be punished by imprisonment of LIFE or a split sentence of 25-30 years, followed by probation for life.

SECTION 6

SECTION	DESCRIPTION
False Imprisonment O.C.G.A. § 16-5-41	FALSE IMPRISONMENT OF CHILDREN • Amends O.C.G.A. § 16-5-41 where a kidnapping occurs against a child under the age of 14, *and the victim is not the child of the defendant* is now subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.

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SECTION 7

SECTION	DESCRIPTION
Public Notice of Sex Offenders O.C.G.A. § 16-5-110	PUBLIC NOTICE OF REGISTERED SEX OFFENDERS • Amends O.C.G.A. § 16-5-110 to require notice of registered sex offenders to be published when a sex offender is placed on probation, or when a sex offender establishes residency in the county

SECTION 8

SECTION	DESCRIPTION
Rape O.C.G.A. § 16-6-1	RAPE MANDATORY MINIMUM SENTENCING • Modifies O.C.G.A. § 16-6-1 to require a person convicted of rape to be sentenced subject to a mandatory minimum of 25 years in prison or maximum sentencing of LIFE,

followed by probation for life subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.

SECTION 9

SECTION	DESCRIPTION
Sodomy	AGGRAVATED SODOMY MINIMUM SENTENCING
O.C.G.A. § 16-6-2	• Modifies O.C.G.A. § 16-6-2 to require a person convicted of aggravated sodomy to be sentenced subject to a mandatory minimum of imprisonment for 25 years, maximum sentencing of LIFE, followed by probation for life.
Romeo and Juliet	SODOMY ROMEO AND JULIET PROVISION
O.C.G.A. § 16-6-2	• Modifies O.C.G.A. § 16-6-2 to require punishment for a conviction of sodomy as a misdemeanor when the victim is 13 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim.

SECTION 10

SECTION	DESCRIPTION
Statutory Rape	STATUTORY RAPE MINIMUM SENTENCING
O.C.G.A. § 16-6-3	• Amends O.C.G.A. § 16-6-3 where a statutory rape occurs to be punished subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.
Romeo and Juliet	STATUTORY RAPE ROMEO AND JULIET PROVISION
O.C.G.A. § 16-6-3	• Amends O.C.G.A. § 16-6-3 to require punishment for a conviction of statutory rape as a misdemeanor when the victim is 14 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim.

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SECTION 11

SECTION	DESCRIPTION
Child Molestation	CHILD MOLESTATION MINIMUM SENTENCING
O.C.G.A. § 16-6-4	• Amends O.C.G.A. § 16-6-4 to require a person convicted of child molestation to be sentenced subject to a mandatory minimum of imprisonment for 5 years, subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.
Romeo and Juliet	CHILD MOLESTATION ROMEO AND JULIET PROVISION
O.C.G.A. § 16-6-4	• Amends O.C.G.A. § 16-6-4 to require punishment for a conviction of child molestation as a misdemeanor when the victim is 14 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim.
Aggravated Child Molestation	AGGRAVATED CHILD MOLESTATION MINIMUM SENTENCING
O.C.G.A. § 16-6-4	• Modifies O.C.G.A. § 16-6-4 to require a person convicted of aggravated child molestation to be sentenced subject to a mandatory minimum of 25 years in prison, maximum sentencing of LIFE, followed by probation for life.
Romeo and Juliet	AGGRAVATED CHILD MOLESTATION ROMEO AND JULIET PROVISION
O.C.G.A. § 16-6-4	• Modifies O.C.G.A. § 16-6-4 to require punishment for a conviction of aggravated child molestation as a misdemeanor when the victim is 14 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim, and the underlining basis of the charge for aggravated child molestation is an act of sodomy..

SECTION 12

SECTION	DESCRIPTION
Enticing a Child for Indecent Purposes	ENTICING A CHILD FOR INDECENT PURPOSES MINIMUM SENTENCING
	• Modifies O.C.G.A. § 16-6-5 to require a person convicted of enticing a child for indecent purposes to be sentenced subject to imprisonment for 10 to 30 years, subject

O.C.G.A. § 16-6-5	to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.
Romeo and Juliet O.C.G.A. § 16-6-5	ENTICING A CHILD ROMEO AND JULIET PROVISION • Modifies O.C.G.A. § 16-6-5 to require punishment for a conviction of enticing a child for indecent purposes as a misdemeanor when the victim is 14 to 15 years old, and the defendant is under 18 years of age, and not more than 4 years older than the victim.

SECTION 13

SECTION	DESCRIPTION
Sexual Assault Against A Child in Custody O.C.G.A. § 16-6-5.1	SEXUAL ASSAULT AGAINST A PERSON IN CUSTODY MINIMUM SENTENCING • Modifies O.C.G.A. § 16-6-5.1 to require a person convicted of sexual assault against a person in custody to be sentenced to imprisonment for 10 to 30 years, subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2. • Aggravating Circumstances where the victim is a child under the age of 14, the convict will be sentenced to imprisonment for 25 to 50 years, subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.

SECTION 14

SECTION	DESCRIPTION
Incest O.C.G.A. § 16-6-22	INCEST MINIMUM SENTENCING • Modifies O.C.G.A. § 16-6-22 to require a person convicted of incest to be sentenced to imprisonment for 10 to 30 years, subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2. • Aggravating Circumstances where the victim is a child under the age of 14, the convict will be sentenced to imprisonment for 25 to 50 years, subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.

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SECTION 15

SECTION	DESCRIPTION
Sexual Battery O.C.G.A. § 16-6-22.1	SEXUAL BATTERY MINIMUM SENTENCING • Modifies O.C.G.A. § 16-6-22.1, a misdemeanor, to require a second or subsequent conviction to be punished as a felony from 1 to 5 years, subject to the mandatory minimum sentencing of O.C.G.A. § 17-10-6.2.

SECTION 16

SECTION	DESCRIPTION
Aggravated Sexual Battery O.C.G.A. § 16-6-22.2	AGGRAVATED SEXUAL BATTERY MINIMUM SENTENCING • Modifies O.C.G.A. § 16-6-22.2 to require a person convicted of aggravated sexual battery to be sentenced subject to a mandatory minimum of 25 years in prison, maximum sentencing of LIFE, followed by probation for life.

SECTION 17

SECTION	DESCRIPTION
Harboring, or Concealing False Information about a Sexual Offender O.C.G.A. § 16-6-25	HARBORING, OR CONCEALING FALSE INFORMATION ABOUT A SEXUAL OFFENDER • Creates a new criminal law, O.C.G.A. § 16-6-25, making it a felony to harbor, attempt to harbor, conceal, or assist another in concealing a sexual offender from law enforcement. • O.C.G.A. § 16-6-25 requires a person convicted of this crime to be punished by imprisonment for 5 to 20 years.

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SECTION 18

SECTION	DESCRIPTION
Appeal Bond O.C.G.A. § 17-6-1	CHILD MOLESTATION APPEAL BOND • Modifies O.C.G.A. § 17-6-1 by adding child molestation to the list of offenses where no appeal bond will be granted.

SECTION 19

SECTION	DESCRIPTION
Sentencing Serious Violent Felonies and Sex Offenders O.C.G.A. § 17-10-1	JUDICIAL DISCRETION FOR SERIOUS VIOLENT FELONIES AND SEX OFFENDER CRIMES • Modifies O.C.G.A. § 17-10-1 to limit judicial discretion in sentencing persons convicted for all offenses subject to the requirements of the new act, and the minimum sentencing requirements of O.C.G.A. § 17-10-6.2.

SECTION 20

SECTION	DESCRIPTION

Sentencing Serious Violent Felonies and Sex Offenders
O.C.G.A. § 17-10-6.1
	MANDATORY MINIMUM SENTENCING FOR ALL SERIOUS VIOLENT CRIMES
	• Modifies O.C.G.A. § 17-10-6.1, which addresses punishment for the following serious violent felonies:
	  ○ rape,
	  ○ kidnapping a child under the age of 14,
	  ○ aggravated child molestation,
	  ○ aggravated sodomy,
	  ○ aggravated sexual battery,
	• The statute provides that any person convicted of these crimes will be punished by a mandatory minimum term of prison of 25 years and no portion of the mandatory minimum sentence can be suspended, probated, stayed, reduced or deferred by pardon, parole or commutation. The mandatory minimum sentence shall be followed by probation for life.
	• Where the convict is serving LIFE imprisonment for a Serious Violent Crime, O.C.G.A. § 17-10-6.1 is modified to require the person to serve at least 30 years in prison before the person is eligible for parole.

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SECTION 21

SECTION	DESCRIPTION

Sentencing Serious Violent Felonies and Sex Offenders
O.C.G.A. § 17-10-6.2
	MANDATORY MINIMUM SENTENCING FOR ALL SEXUAL OFFENSES
	• Creates a new law O.C.G.A. § 17-10-6.2. The statute defines a sexual offense to be:
	  ○ aggravated assault with intent to rape,
	  ○ false imprisonment where the victim is not the child of the defendant and the child is less than fourteen years of age,

- sodomy,
- statutory rape (if the convicted person is twenty-one years of age or older,
- child molestation,
- enticing a child for indecent purposes,
- sexual assault against persons in custody,
- incest, a second or subsequent conviction for sexual battery,
- sexual exploitation of children.

- Any person convicted of these crimes will be punished by the mandatory minimum sentence for the crime, and no portion of the mandatory minimum sentence can be suspended, probated, or stayed. The mandatory minimum sentence shall be followed by probation for one year
- EXCEPTIONS O.C.G.A. § 17-10-6.2(c) allows the court to deviate from the mandatory minimum term of imprisonment under certain specific, enumerated circumstances. The State may appeal any court order deviating from the mandatory minimum sentencing.

SECTION 22

SECTION	DESCRIPTION
Death Penalty	IMPLEMENTATION OF THE DEATH PENALTY
O.C.G.A. § 17-10-30	• Modifies O.C.G.A. § 17-10-30 to allow a jury to sentence a defendant to death if it finds that "the offense of murder, rape, or kidnapping was committed by a person ***previously convicted of rape, aggravated sodomy, aggravated child molestation, or aggravated sexual battery."***

SECTION 23

SECTION	DESCRIPTION
Criminal Records	REPORTING CRIMINAL RECORDS
O.C.G.A. § 35-3-20	• Modifies O.C.G.A. § 35-3-30, as it relates to criminal records, so that that the sex and age of the victim will appear on a person's criminal record.

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Ga. Act 571 | Georgia House Bill 1059 - Sex Offender Registry Sections

Ga. Act 571 | Georgia House Bill 1059 - Sex Offender Registry Sections

SECTION 24

SECTION	DESCRIPTION
Sex Offender Registry, Requirements, and Restrictions.	SEX OFFENDER REGISTRY REQUIREMENTS AND SEX OFFENDER RESTRICTIONS
O.C.G.A. § 42-1-12 O.C.G.A. § 42-1-13 O.C.G.A. § 42-1-14 O.C.G.A. § 42-1-15	• Creates four new sections of the Georgia Code, O.C.G.A. §§ 42-1-12, O.C.G.A. §§ 42-1-13, O.C.G.A. §§ 42-1-14, and O.C.G.A. §§ 42-1-15. • Creates O.C.G.A. § 42-1-12 which defines the legal terminology used in the four new sections. Creates O.C.G.A. § 42-1-14 which defines the requirements for registration of sexual offenders, and requires all sexually dangerous predators to wear approved electronic monitoring devices at all times for LIFE at the cost of the offender. • Creates O.C.G.A. § 42-1-14 which prohibits any individual who is required to register under O.C.G.A. § 42-1-12 to reside, work, or loiter within 1,000 feet of any child care facility, church, school, or areas where minors congregate. The distance is determined by measuring from the outer boundary of the residence or place of business to the outer boundary of the property of the child care facility, school, or church. It further prohibits offenders required to register to be employed by child care facilities, schools, or churches. Anyone who violates this section is guilty of a felony and will

be imprisoned between 10-30 years.

DEFINED LOCATIONS	DEFINITIONS
Area where minors congregate	All public and private ***parks*** and ***recreation facilities***, ***playgrounds, skating rinks, neighborhood centers, gymnasiums, school bus stops, and public and community swimming pools.***
Child care facility	All public and private pre-kindergarten facilities, day-care centers, child care learning centers, preschool facilities, and long-term care facilities for children.
Church	A place of public ***religious worship***.
Public and community swimming pools	All ***municipal, school, hotel, motel pool***, or any pool where access is granted in exchange for payment of a daily fee. Includes all apartment complex pools, country club pools, or subdivision pools which are open only to residents of the subdivision and their guests.
School	All public and private kindergarten, elementary, and secondary schools.
School Bus Stop	A school bus stop as ***designated by local school boards*** of education or a private school.

DEFINED CLASSIFICATIONS	DEFINITIONS
Minor	Any individual under the age of 18 years and any victim that the sexual offender ***believed at the time of the offense was under the age of 18.***
Sexual Offender	Any individual that (A) has been convicted of a criminal offense against a minor, or any dangerous sexual offense, or (B) has been convicted under the laws of another state or territory, of a criminal offense against a victim who is a minor, or a dangerous sexual offense.
Sexually Dangerous Predator	A sexual offender that (A) was designated as a sexually violent predator, or (B) ***was determined to be at risk of perpetrating any future dangerous sexual offense***.
Sexual Offenders Required to Register	Any person who commits an offense against a minor, and was released from prison on or after July 1, 1996, anyone convicted of a dangerous sexual offense on or after July 1, 2006, and anyone who has previously been convicted of a sexually violent offense and may be released from prison or placed on parole, or probation.

DEFINED CRIMES	DEFINITIONS
Dangerous Sexual Offense	• Aggravated Assault. O.C.G.A. 16-5-2 • Kidnapping. O.C.G.A. 16-5-40 • False Imprisonment involving a victim under the age of 14. O.C.G.A. 16-5-41 • Rape. O.C.G.A. 16-6-1 • Sodomy O.C.G.A. 16-6-2 • Aggravated Sodomy O.C.G.A. 16-6-2 • Statutory Rape involving a convict of 21 years of age or older. O.C.G.A. 16-6-3 • Child Molestation O.C.G.A. 16-6-4 • Aggravated Child Molestation O.C.G.A. 16-6-4 • Enticing a Child for Indecent Purposes O.C.G.A. 16-6-5 • Sexual Assault against persons in Custody O.C.G.A. 16-6-5.1 • Incest O.C.G.A. 16-6-22 • Second Conviction of Sexual Battery. O.C.G.A. 16-6-22.1 • Aggravated Sexual Battery O.C.G.A. 16-6-23 • Sexual Exploitation of Children O.C.G.A. 16-12-100 • Electronically Furnishing Obscene Material to Minors O.C.G.A. 16-12-100.1 • Laws of another state or territory which consists of the same or similar elements.

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SECTION 25

SECTION	DESCRIPTION
Probation	SEX OFFENDER RESTRICTIONS WHILE ON PROBATION
O.C.G.A. § 42-8-35	• Amends O.C.G.A. § 42-8-35, which restricts the terms of probation of registered sex offenders where a person convicted of a dangerous sexual offense can be prohibited from loitering in areas where minors congregate, child care facilities, churches, or

schools. It also amends the statute so that these convicted persons cannot run for positions on the local board of education.

SECTION 26

SECTION	DESCRIPTION
Sentencing Requirements O.C.G.A. § 42-8-60	JUDICIAL DISCRETION IN SENTENCING SEX OFFENDERS • Amends O.C.G.A. 42-8-60, to mandates the court not have discretion to sentence a defendant for serious violent felonies as defined in 17-10-6.1, sexual offenses as defined by 17-10-6.2, sexual exploitation of a minor, electronically furnishing obscene material to a minor, and computer pornography and child exploitation.

SECTION 27

SECTION	DESCRIPTION
Imprisonment Requirements O.C.G.A. § 42-9-39	MANDATORY MINIMUM IMPRISONMENT FOR THOSE SERVING LIFE IN PRISON • Amends O.C.G.A. 42-9-39, to mandate persons sentenced to life imprisonment for murder who have previously been given a life sentence for another crime, that person must serve at least thirty years in prison before they can be pardoned or given parole. In addition, the amendment mandates that for persons who receive consecutive life sentences, and one of those sentences is for murder, that person must serve at least thirty years in prison before they can be pardoned or given parole.

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GEORGIA SEX OFFENDER ACT - SECONDARY SOURCES

GEORGIA LAW REVIEWS, LEGAL ENCYCLOPEDIAS, AND practice GUIDES

Bret Hobson, *Banishing Acts: How far may States Go to keep convicted Sex offenders away from Children?*, 40 Ga. L. Rev. 961, (Spring 2006)

Ga. Jur. Criminal Law § 10:2 Registration of persons convicted of sex offenses (2006)

Ga. Jur. Criminal Law § 17:8 Punishment (2006)

Ga. Jur. Criminal Law § 10:2.1 Residence of persons convicted of sex offenses (2006)

Daniel's Georgia Criminal Trial Practice Forms § 26:10 Conditions of probation for child abuser or sex offender (2006)

Daniel's Georgia Criminal Trial Practice Forms § 26:19 Sex offender registration notice (2006)

Daniel's Georgia Criminal Trial Practice Forms § 26:20 Certification form of sex offender registration (2006)

Georgia Procedure Criminal Procedure § 29:7 Registration of persons convicted of certain offenses (2006)

Georgia Procedure Criminal Procedure § 31:22 Generally (2006)

Georgia Procedure Criminal Procedure § 33:38 Conditions for repeat child molestation offenders (2006)

Georgia Procedure Criminal Procedure § 34:10 Consideration limited to errors preserved for appeal (2006)

Kurtz Criminal Offenses and Defenses in Georgia § 30 Sexual Offenses against Children (2006)

Molnar Georgia Criminal Law - Crimes and Punishments § 55-1 Rape (2006)

Molnar Georgia Criminal Law - Crimes and Punishments § 55-12 Public indecency (2006)

GEORGIA MEDIA COVERAGE

June 20, 2006
WHITAKER, ET AL v. PERDUE COMPLAINT FILED IN FEDERAL COURT AGAINST GEORGIA ACT 571 available at

- Plaintiffs: The Atlanta based Southern Center for Human Rights, on behalf of nine convicted sex offenders, files a lawsuit in the US District Court for the Northern District of Georgia.

Defendants: The named Defendants in the lawsuit include Governor Sonny Perdue, and Georgia Attorney General Thurman Baker.

- Claims: The lawsuit claims the provision of the new law banning convicted sex offenders from living within 1,000 feet of a school bus stop argued that it's virtually impossible for sex offenders to live anywhere in Georgia that doesn't violate the law, and the law unconstitutionally denies sex offenders due process under the law, infringes on their religious freedom, amounts to an illegal taking of their property an imposes cruel and unusual punishment.

June 27, 2006
U.S. DISTRICT JUDGE BLOCKS ENFORCEMENT OF SCHOOL BUS PROVISION OF GEORGIA ACT 571 available at www.schr.org *(last visited Nov. 11, 2006)*

- U.S. District Judge Clarence Cooper issues an order temporarily blocks State of Georgia officials from enforcing a provision of GA HOUSE BILL 1059 that bars sex offenders from living within 1,000 feet of school bus stops. Because of the vast number of school bus stops in the State of Georgia, enforcing this provision would amount to an unconstitutional banishment of citizens.

July 1, 2006
GEORGIA ACT 571 GOES INTO EFFECT available at

- Georgia's sex offender law, House Bill 1059, believed to be the nation's toughest, went in to effect on July 1st, 2006. The law imposes strict limits on where sex offenders may live, work or spend time. The law creates 1,000-foot buffer zones around school bus stops, churches, schools, child-care centers and other places where children congregate.

July 27, 2006
U.S. DISTRICT JUDGE CERTIFIES SEX OFFENDERS AS A CLASS available at www.schr.org ***(last visited Nov. 11, 2006)***

- U.S. District Judge Clarence Cooper issues an order allowing the constitutional challenge of the law to proceed as a class action, and preliminary injunction that bars the State from enforcing the school bus stop provision is issued. Judge Cooper notes that over a TRO every time a school board or private school formally designates bus stops. He suggested one way to avoid that would be to certify sex offenders as a class.

August 31, 2006
BULLOCH COUNTY SHERIFF AGREES NOT TO ENFORCE SCHOOL BUS STOP PROVISION available at

- The Plaintiffs and Bulloch County Sheriff Lynn M. Anderson agree that Sheriff Anderson is enjoined from enforcing a portion of Ga.Code Ann.§ 42--1-15(a)
- Terms: Sheriff Anderson agrees not to enforce the "school bus provision" that prohibits anyone on Georgia's sex offender registry from living within 1,000 feet of a school bus stop while the Court considers the constitutionality of the provision .In exchange, The Plaintiffs agreed not to seek attorneys' fees against the Sheriff.

October 12, 2006
PLAINTIFF'S SEEK INJUNCTION TO KEEP ELDERLY AND DISABLED FROM BEING FORCED TO MOVE available at www.schr.org *(last visited Nov. 11, 2006)*

- Plaintiff's sought a Preliminary Injunction on behalf of nine elderly and/or severely disabled people on the registry part of the class action. An injunction will prevent these individuals from being evicted from their homes, nursing homes, and hospice care facilities.

October 30, 2006
SHERIFFS AGREE NOT TO EVICT DISABLED AND TERMINALLY ILL REGISTERED SEX OFFENDERS available at www.schr.org *(last visited Nov. 11, 2006)*

- Sheriffs in the counties where the named elderly plaintiffs live have reached agreements that elderly and disabled individuals identified in the Motion for a Preliminary Injunction will not be evicted from their homes, nursing homes, and hospice care facilities. These agreements will allow these elderly and ill people to live the remainder of their lives with dignity, receiving appropriate medical care and attention to their conditions.

LAST UPDATED November 14th, 2006

www.schr.org (last visited Nov. 11, 2006)www.schr.org (last visited Nov. 11, 2006)www.schr.org (last visited Nov. 11, 2006)

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FEDERAL STATUTES

Under the United States Code, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act requires all states to enact a program mandating that designated offenders register with state or local authorities (or risk losing 10% of its federal anti-crime funding). In 1996, President Clinton signed Megan's Law, as an amendment to the Jacob Wetterling Act, requiring community notification when sex offenders move into a neighborhood.

UNITES STATES CODE

STATUTE	DESCRIPTION
18 U.S.C.A. § 4042(c)(1) (1996)	Notice of sex offender release.
42 U.S.C.A. §14071 (1996)	Megan's Law, Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program.

STATE STATUTES

NOTE: The reader is advised to review the appropriate statutory or regulatory authority to ascertain the current status of all statutes discussed herein.

State Sex Offender Registration acts which require a person previously convicted of a crime to register with law enforcement or other governmental authorities by providing information such as name, age, race, sex, height, weight, and address, and to reregister upon each change of address.

ALABAMA

STATE SEX OFFENDER REGISTRATION LAWS

Ala.Code § 13A-11-200 Registration of sex offenders and related requirements.
Ala.Code § 15-20-25 Adult criminal sex offender notification procedures
Ala.Code § 15-20-25.3 Sexually violent predator
Ala.Code § 15-20-26 Adult criminal sex offender prohibited residence locations and restrictions
Ala.Code § 15-20-26.1 Adult criminal sex offender electronic monitoring
Ala.Code § 15-20-27 ***Juvenile*** criminal sex offender ***rehabilitation***

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Alaska Stat. § 12.63.010 Registration of sex offenders and related requirements.
Alaska Stat. § 12.63.030 Notification of other jurisdictions
Alaska Stat. § 18.65.087 Central registry of sex offenders

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Ariz. Rev. Stat. Ann. § 13-3821. Registration of sex offenders and related requirements.
Ariz. Rev. Stat. Ann. § 13-3822. Notification procedures
Ariz. Rev. Stat. Ann. § 13-3824. Failure to comply penalties
Ariz. Rev. Stat. Ann. § 13-3825. Community notification
Ariz. Rev. Stat. Ann. § 13-3827. ***Internet sex offender laws***
Ariz. Rev. Stat. Ann. § 13-3828. Sex offender monitoring ***fund***

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Ark. Code An. § 9-27-356 ***Juvenile*** sex offender assessment and registration
Ark. Code An. § 12-12-904 Failure to comply penalties
Ark. Code An. § 12-12-905 Applicability
Ark. Code An. § 12-12-908 Registration of sex offenders and related requirements.
Ark. Code An. § 12-12-911 Sexual and Child Offenders Registration ***fund***
Ark. Code An. § 12-12-918 Sexually violent predator

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Cal. Penal Code § 290.8 Notification procedures
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Colo. Rev. Stat. Ann. § 16-22-103 Registration of sex offenders and related requirements.
Colo. Rev. Stat. Ann. § 16-22-105 Notification procedures
Colo. Rev. Stat. Ann. § 16-22-108 Registration of sex offenders and related requirements.
Colo. Rev. Stat. Ann. § 16-22-110 Sex offender registry
Colo. Rev. Stat. Ann. § 16-22-111 ***Internet posting of sex offenders***

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Conn. Gen. Stat. Ann. § 54-251 Registration of person who has committed a criminal offense against a minor, or a nonviolent sexual offender
Conn. Gen. Stat. Ann. § 54-252 Registration of person who has committed a sexually violent offense
Conn. Gen. Stat. Ann. § 54-253 Registration of person who has committed a sexual offense in another jurisdiction
Conn. Gen. Stat. Ann. § 54-254 Registration of person who has committed a felony for a sexual purpose
Conn. Gen. Stat. Ann. § 54-257 Registry
Conn. Gen. Stat. Ann. § 54-260 Notification procedures
Conn. Gen. Stat. Ann. § 54-261 Community response ***education program***

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STATE SEX OFFENDER REGISTRATION LAWS

Del. Code Ann. tit. 11 § 4120 Registration of sex offenders and related requirements.
Del. Code Ann. tit. 11 § 4121 Notification procedures

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D.C. CODE § 22-4001 Definitions
D.C. CODE § 22-4002 Registration of sex offenders and related requirements.
D.C. CODE § 22-4010 Registry of sex offenders
D.C. CODE § 22-4011 Notification procedures
D.C. CODE § 22-4015 Penalties
DC. CODE § 22-4017 ***Freedom of Information Act exception***

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Idaho Code § 18-8310 Expungement provisions and procedures
Idaho Code § 18-8316 Requirement for ***psychosexual evaluations upon conviction***
Idaho Code § 18-8317 Requirement for ***psychosexual evaluations upon release***
Idaho Code § 18-8318 ***Offender required to pay for psychosexual evaluations***
Idaho Code § 18-8323 Public access to sexual offender registry information
Idaho Code § 18-8327 Adult criminal sex offender
Idaho Code § 18-8404 Juvenile sex offender registry
Idaho Code § 18-8409 Failure to comply registries
Idaho Code § 18-8411 Juveniles convicted as adults

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Iowa Code Ann. § 692A.4A Electronic monitoring
Iowa Code Ann. § 692A.11 Sex offender registry fund

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Kan. Stat. Ann. § 22-4901 - 4912 Registration of sex offenders and related requirements.

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La. Rev. Stat. Ann. 15:542 Registration of sex offenders and related requirements.
La. Rev. Stat. Ann. 15:542.1 Registration of sexually violent predators and child predators
La. Rev. Stat. Ann. 15:543 Notification procedures
La. Rev. Stat. Ann. 15:550 ***Pilot program - electronic monitoring supervision program to track crime trends.***

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Me. Rev. Stat. Ann. tit. 34-A § 11255 Public notification procedures

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Mo. Ann. Stat. § 589.400 - 425 Registration of sex offenders and related requirements.

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Mont. Code Ann. § 46-23-503 Release of sexual or violent offender from place of confinement--duties of official in charge
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N.H. Rev. Stat. Ann. § 651-B:6 Duration of Registration
N.H. Rev. Stat. Ann. § 651-B:7 Notification procedures
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42 Pa.C.S.A. § 9799.4 ***Counseling of sexually violent predators***
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