

<p align="center">GEORGIA DEPARTMENT OF CORRECTIONS</p> <p align="center">Standard Operating Procedures</p>		
Functional Area: FACILITY OPERATIONS/ CORRECTIONS DIVISION	Reference Number: IIG01-0001	Revises Previous Effective Date: 10/15/2008
Subject: SEX OFFENDER REGISTRATION		
Authority: Owens/Ward	Effective Date: 4/01/2011	Page 1 of 20

I. POLICY:

It will be the policy of the Georgia Department Of Corrections to comply with the provisions of O.C.G.A. 42-1-12, Sex Offender Registration and O.C.G.A. 42-1-15, 42-1-16, and 42-1-17 Sex Offender Residency Proximity, with regard to the management of those offenders required to register, and with the spirit of these laws in closely monitoring the residence and employment of these high-risk offenders in order to fulfill our mission of protecting the public. In accordance with this policy, the Georgia Department of Corrections will recognize and abide by the responsibilities and requirements in the following operating procedures.

II. APPLICABILITY:

All State Probation Offices, All State and County Facilities, Private Prisons, Diversion Centers, Probation Detention Centers, Transition Centers, Units, Offices and Sections under GDC Management.

III. RELATED DIRECTIVES:

- A. O.C.G.A. 42-1-12 - Sex Offender Registration - Amended 7-01-2006
- B. O.C.G.A. 42-1-15 - Residency Proximity for Registered Sex Offenders
- C. O.C.G.A. 42-1-16 - Residency Proximity for Registered Sex Offenders.
- D. O.C.G.A. 42-1-17 - Residency Proximity for Registered Sex Offenders.

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- E. O.C.G.A. 42-1-19 - Removal From the Sex Offender Registry.
- F. House Bill 571.
- G. SOP IIIB01-0002 - First Offender Probationers
- H. SOP IIIB06-0001 - Transfer Between Circuits/Offices
- I. SOP IIIB07-0001 - Interstate Compact Transfer
- J. SOP IIIB03-0006 - Specialized Probation Supervision
- K. SOP IIB10-0002 - Release Procedures for Offenders.

IV. **DEFINITIONS:**

- A. PREDATORY ACT - An act directed at a stranger or a person with whom a relationship has been established or promoted for the primary purpose of victimization.
- B. Sexually Dangerous Predator:
 - 1. Any sexual offender who was designated as a sexually violent predator between July 1, 1996 and June 30, 2006.
 - 2. Any sexual offender who is determined by the Sexual Offender Registration Review Board to be at risk of perpetrating any future dangerous sexual offense.
 - 3. Any offender who is designated as a predator, violent predator, or sexually dangerous predator by another state and relocates to Georgia.
- C. SEXUAL OFFENDER REGISTRATION REVIEW BOARD - A Board composed Under Title 43 follows: three (3) professionals licensed and knowledgeable in the field of the behavior and treatment of sex offenders; at least one representative from a victims' rights advocacy group or agency and at least one representative from a law enforcement agency who is certified as a peace officer under Title 35. The members will be appointed by the Governor and will serve four (4) year terms. The Board is attached to Department of Human Resources for administrative purposes. The board shall determine the likelihood that a sexual offender will engage in another

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crime against a victim who is a minor or a dangerous sexual offense.

D. Minor:

1. Any person under the age of 18.
2. Any person an offender believes to be under the age of 18 at the time of offense.

E. CRIMINAL OFFENSE AGAINST A MINOR WITH RESPECT TO CONVICTIONS OCCURRING ON OR BEFORE JUNE 30, 2001 - Any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of the following:

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 sexual offense against a victim who is a minor.

F. CRIMINAL OFFENSE AGAINST A MINOR WITH RESPECT TO CONVICTIONS OCCURING AFTER JUNE 30, 2001 - ANY CRIMINAL OFFENSE UNDER TITLE 16 or any offense under federal law or the laws of another state or territory of the United States which consists of the following:

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;

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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 child for the purpose of offering or soliciting sexual conduct of or with a child or the visual depicting of such conduct;
 10. Conspiracy to transport, ship, receive, or distribute visual depictions of minors engaged in sexually explicit conduct.
 11. Any conduct which, by its nature, is a sexual offense against a minor.
- G. 'Dangerous sexual offense' with respect to convictions occurring on or before June 30, 2006, means any criminal offense, or the attempt to commit any criminal offense, under Title 16 as specified in this paragraph or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:
1. Aggravated assault with the intent to rape in violation of Code Section 16-5-21;
 2. Rape in violation of Code Section 16-6-1;
 3. Aggravated sodomy in violation of Code Section 16-6-2;
 4. Aggravated child molestation in violation of Code Section 16-6-4; or
 5. Aggravated sexual battery in violation of Code Section 16-6-22.2.

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H. DANGEROUS SEXUAL OFFENSE- with respect to convictions occurring on or after July 1, 2006 means any criminal offense, or attempt to commit a criminal offense, under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:

1. Aggravated Assault With Intent to Rape 16-5-21;
2. Kidnapping (victim under 14 except by a parent) 16-5-40;
3. False Imprisonment (victim under 14 except by a parent) 16-5-41;
4. Rape 16-6-1;
5. Sodomy 16-6-2;
6. Aggravated Sodomy 16-6-2;
7. Statutory Rape 16-6-3;
8. Child Molestation 16-6-4;
9. Aggravated Child Molestation 16-6-4;
10. Enticing a Child For Indecent Purposes 16-6-5;
11. Sexual Assault Against a Person in Custody 16-6-5.1;
12. Incest 16-6-22;
13. Sexual Battery 16-6-22.1 (2nd conviction);
14. Aggravated Sexual Battery 16-6-22.2;
15. Sexual Exploitation of Children 16-12-100;
16. Electronically Furnishing Obscene Material to Minors 16-12-100.1;
17. Computer Pornography and Child Exploitation Prevention 16-12-100.2;

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18. Obscene Telephone Contact 16-12-100.3;

19. Any conduct which but its nature is a sexual offense against a minor or an attempt to commit a sexual offense against a minor.

I. CONVICTION - A final judgment of conviction entered upon a verdict or finding of guilty of a crime, a plea of guilty or a plea of nolo contendere.

NOTE: A defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8, O.C.G.A., relating to First Offenders, shall be subject to the registration requirements of this policy for the period of time prior to the defendant's discharge after completion of his or her sentence or upon the defendant being adjudicated guilty. Unless otherwise required by federal law, a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8, O.C.G.A., relating to first offenders shall not be subject to the registration requirements of this code section upon the defendant's discharge.

J. Vocation - any type of full - time, part - time or volunteer employment with or without compensation exceeding fourteen (14) consecutive days, or for an aggregate period of time exceeding thirty (30) days during any calendar year.

K. Childcare facility: all public and private pre-kindergarten facilities, day-care centers, childcare learning centers, preschool facilities, and long-term care facilities for children.

1. Day Care Centers - Any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, **19 or more children under 18 years of age.**

2. Childcare Learning Centers - A **day-care center** that participates in Georgia's Pre-K Program.

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3. Long-term care Facilities - A residential facility in which children reside in this location overnight.

- L. School - all public and private kindergarten, elementary, and secondary schools.
- M. Areas where minors congregate: all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, designated school bus stops (as designated by the local Board of Education, public libraries and public and community swimming pools.

NOTE: School bus stops are not being enforced at this time due to pending litigation.

- N. Church - place of public religious worship.
- O. Public and community swimming pools include municipal, school, hotel, motel or any pool to which access is granted in exchange for a daily fee. The term includes apartment complex pools, country club pools, or subdivision pools, which are open to residents of the subdivision and their guests. This term does not include a private pool or hot tub serving a single-family dwelling and used only by the residents of the dwelling and their guests.

NOTE: A church or pool will have to be in operation in order to be used as a restricted area. For example, a pool closed for the winter is not to be considered a prohibited area until it opens for use.

- P. Loiter - To be in a place without a legal purpose.
- Q. Property Interest - A person has a property interest in the place they own and in a situation where they have a current lease. (An offender may remain in an apartment until the end of the current lease) In Georgia leases are good for only one year.
- R. Photograph - means to take any picture, film or digital photograph, motion picture film, videotape, or similar visual representation or image of a person.

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S. Volunteer - to engage in an activity in which one could be, and ordinarily would be, employed for compensation, and which activity involves working with, assisting, or being engaged in activities with minors; provided, however, that such term shall not include participating in activities limited to persons who are 18 years of age or older or participating in worship services or engaging in religious activities or activities at a place of worship that do not include supervising, teaching, directing, or otherwise participating with minors who are not supervised by an adult who is not an individual required to register pursuant to Code Section 42-1-12.

V. ATTACHMENTS:

Attachment 1 - Sex Offender Registration Notification (Revised 07/01/2010) (Standardized Form Provided by GCIC)

Attachment 2 - Certification of Sex Offender Registration (Probation)

Attachment 3 - GCIC Operations Bulletin #98-07 (The Capture and Transmission of Facial Images)

Attachment 4 - Registration Reference Guide

VI. PROCEDURE:

A. The appropriate state official (probation officer or facility point of contact) will determine if the offender is required to register as a sex offender under O.C.G.A. 42-1-12 as amended May 25, 2010. If an offender is incarcerated, the sex offender registration must be completed PRIOR to release, placement on Parole, supervised release or Probation.

B. Offenders Required to Register:

1. An offender convicted on or after July 1, 1996 of a criminal offense against a victim who is a minor;

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2. An offender convicted on or after July 1, 1996 of a dangerous sexual offense;
3. An offender who has previously been convicted of a criminal offense against a minor or a sexually dangerous offense and is released from prison or placed on parole, supervised release or probation on or after July 1, 1996;

NOTE: OFFENDERS SENTENCED TO DIVERSION CENTERS AND TRANSITIONAL CENTERS ARE MANDATED TO COMPLY WITH REGISTRATION REQUIREMENTS IN ACCORDANCE WITH PROBATIONERS SENTENCED TO COMMUNITY SUPERVISION.

4. An offender who is a resident of Georgia who intends to reside in this state and who is convicted under the laws of another state or the United States, under the Uniform Code of Military Justice, a criminal offense against a victim who is a minor on or after July 1, 1996 or a dangerous sexual offense on or after July 1, 1996;
5. An offender who is a nonresident sexual offender who changes residence from another state or territory of the United States to Georgia who is required to register under federal law, military law, tribal law, or the laws of another state or territory, regardless of when the conviction occurred;
6. An offender who is a nonresident sexual offender who enters this state for the purpose of employment or any other reason for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory;

NOTE: UPON NOTIFICATION THROUGH INTERSTATE COMPACT FROM ANOTHER STATE THAT A NON-RESIDENT OF GEORGIA WHO IS A REGISTERED SEX OFFENDER IS ENTERING GEORGIA FOR EMPLOYMENT OR TO CARRY ON A VOCATION AND MEETS THE ABOVE TIME FRAMES, GDC PROBATION DIVISION INTERSTATE COMPACT OFFICE WILL PROVIDE NOTIFICATION TO G.C.I.C. BY FAX ON THE SAME DAY.

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7. An offender who is a nonresident sexual offender who enters this state for the purpose of attending school as a full-time or part-time student regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory;

NOTE: UPON NOTIFICATION THROUGH INTERSTATE COMPACT FROM ANOTHER STATE THAT A NON-RESIDENT OF GEORGIA WHO IS REGISTERED SEX OFFENDER IS ENTERING GEORGIA TO ATTEND SCHOOL, EITHER AS A FULL-TIME OR A PART-TIME STUDENT, GDC PROBATION DIVISION INTERSTATE COMPACT OFFICE WILL PROVIDE NOTIFICATION TO G.C.I.C. BY FAX THE SAME DAY.

C. Offenders not required to register:

1. An offender convicted of a misdemeanor sex offense;
2. An offender who was convicted in juvenile court of a sex offense.

D. Sex Offender Registration Requirements:

1. Before a sexual offender who is required to register under O.C.G.A. 42-1-12 is released from prison or placed on parole, supervised release or probation, the Probation Officer or Facility Point of Contact shall explain the sex offender registration requirements to the offender and have the offender read (or be read) the "Sex Offender Registration Notification". (See Attachment 1). This notice must be signed by the offender, then witnessed and dated. A copy shall be furnished to the Georgia Bureau of Investigation. This notice must be faxed to the GBI on the same day it is signed. The Probation Officer or Facility Point of Contact will retain a copy in the offender's case file, and the offender will be given a copy. The offender's case file will be marked on the top, front in red ink, "REGISTERED SEX OFFENDER". This action will be documented in the case notes in SCRIBE.
2. Obtain the information necessary for the required registration information:

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a. Required information means:

- 1) Name, social security number, age, race, sex, date of birth, height, weight, hair color, eye color, fingerprints and photograph;
- 2) Address of any permanent residence and address of any current temporary residence, within the state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;
- 3) If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;
- 4) If the place of residence is a mobile home, provide the mobile home location, permit number, the name and address of the owner of the home, a description including the color scheme of the mobile home and, if applicable, a description of where the mobile home is located on the property;
- 5) If the place of residence is a manufactured home, provide the name and address of the owner of the home, a description including the color scheme of the manufactured home and, if applicable, a description of where the manufactured home is located on the property;
- 6) If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number, the manufacturer's serial number, the name of the vessel, live aboard vessel, or houseboat, the registration number and a description including the color scheme of

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the vessel, live-aboard vessel or houseboat;

- 7) Date, place and address of employment;
 - 8) Place and address of vocation;
 - 9) Vehicle make, model, color and license tag number;
 - 10) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address and county of each institution, including the campus attended, enrollment and employment status;
 - 11) The name of the crime(s) for which the sexual offender is registering and the date released from prison or placed on probation, parole or supervised release.
3. The Probation Officer or Facility Point of Contact will inform the offender that he or she must register with the sheriff in the county of residence within 72 hours of release from incarceration or release to probation. The offender will be given "Certification of Sex Offender Registration" (see attachment 2) by the probation officer to take to the respective sheriff, to verify registration and to be returned to the probation officer within 5 days of the intake appointment. Failure to register is a violation of criminal law. This action will be documented in the case notes in SCRIBE.
- Note:** Electronic registration to the GBI should transmit within 72 hours of input. If offender is not showing on GBI registry with 72 hours notify the Sex Offender Administration Unit.
4. Inform the sexual offender that, if the sexual offender changes any of the required registration information, other than residence address, the sexual offender shall give the new information to

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the sheriff of the county with whom the sexual offender registered within 72 hours of the change of information; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered within 72 hours PRIOR to moving and to the sheriff of the county to which the sexual offender is moving within 72 hours prior to moving.

5. The officer will inform the offender that if his/her residence changes to another state, the offender will register this new address with the sheriff with whom he/she last registered (and continue to keep this registration), and shall also register with a designated law enforcement agency in the new state NOT LATER THAN 72 HOURS after establishing residency in the new state. (Every state has a registration requirement.)
6. Obtain fingerprints and a current photograph of the sexual offender.
 - a. The officer will use the digital camera provided for electronic sex offender registration to capture the offender's facial image. The image must meet the FBI/GBI standards for mug shot images as described in GCIC Operating Bulletin 98-07 (Attachment 3).

NOTE: IF THE OFFENDER'S APPEARANCE CHANGES SIGNIFICANTLY DURING THE PERIOD OF SUPERVISION, THE OFFICER WILL CAPTURE AND TRANSMIT THE OFFENDER'S CURRENT FACIAL IMAGE TO GBI TO UPDATE THE REGISTRY.

NOTE: Fingerprints will be taken and submitted by the Sheriff's Office.

7. The Probation Officer or Facility Point of Contact will use SCRIBE to immediately transmit the information described above to the GBI. All sex offenders will be registered electronically except in cases where the offender's FBI number is unavailable or the system for electronic

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registration is inoperable. In these instances, the information will be transmitted to the GBI in the form of the offender's printed SCRIBE Sentence Information and SCRIBE Personal Information and fingerprint cards will be obtained from the Sheriff's Department and forwarded to GCIC. Transmittal of this information will be documented in the case notes.

8. The Probation Officer or Facility Point of Contact will also obtain descriptive physical and behavioral information to assist law enforcement personnel in identifying the offender, offense history of the offender, and the documentation of any treatment received for any mental abnormality or personality disorder of the offender. (The officer is not required to obtain any information already on the criminal justice information system of the G.C.I.C.).

- E. Registration of a Non-Resident Sex Offender Entering Georgia For Employment or School.

NOTE: Upon notification through the submission of permission to travel by the supervising state, the Probation Interstate Compact Administrator, or designee, will immediately fax to G.C.I.C. the required registration information on the non-resident sex offender.

- F. Registration of Georgia Sex Offenders Entering Another State for Employment, to Carry on a Vocation or Attend School.

NOTE: Upon notification through the submission of permission to travel by the supervising probation officer, the Probation Interstate Compact Administrator, or designee, will immediately fax to G.C.I.C. the required registration information on the resident sex offender. G.C.I.C. will then forward the information electronically to the state to which the offender is traveling.

- G. Period of Sex Offender Registration - An offender requiring registration under O.C.G.A. 42-1-12, (b) (1) (A)

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shall continue to comply with periods of registration under the following circumstances:

1. For the entire life of the sexual offender.
2. Until properly discharged without adjudication of guilt for those offenders sentenced pursuant to Article 3 of Chapter 8 of this title relating to first offenders. "Within 10 days of the filing of defendant's discharge and exoneration of guilt pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of discharge and exoneration of guilt to the Georgia Bureau of Investigation and any sheriff maintaining records required under this code section."

H. Petition for Removal From the Registry - An individual required to register under O.C.G.A. 42-1-12 may petition the Superior Court for release from registration requirements and from any residence or employment restrictions of this article if:

1. Has completed all prison, parole, supervised release, and probation for the offense which requires registration and;
 - a. Is confined to a Hospice Facility, skilled nursing home, residential care facility for the elderly, or nursing home;
 - b. Is totally and permanently disabled; or
 - c. Is otherwise seriously physically incapacitated due to injury or illness.
 - d. Ten years has elapsed since the offender has completed all prison, parole, supervised release and probation for the offense which required registration.
 - e. The offender has a Level I risk assessment classification.
2. Was sentenced for a crime that became punishable as a misdemeanor on or after July 1, 2006.

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3. Is required to register solely because he or she was convicted of kidnapping or false imprisonment of a minor and such offense did not involve a sexual offense against a minor or the attempt to commit a sexual offense against a minor.

I. Verification of Sex Offender Registration

1. The offender shall renew the required registration information with the sheriff in the county in which the sexual offender resides by reporting to the sheriff within 72 hours prior to such offender's birthday each year to be photographed and fingerprinted.
 - a. The Georgia Bureau of Investigation shall mail a non-forwardable verification form to the last reported address of the sexual offender within 10 days prior to the sexual offender's birthday;
 - b. The offender shall be required by law to respond directly to the sheriff within 72 hours of the date of the form;
 - c. The verification form stating that the offender still resides at the address last reported to the Georgia Bureau of Investigation shall be signed by the offender and retained by the sheriff; and
 - d. If the offender fails to respond directly to the sheriff within 72 hours after receipt of the form, the offender shall be in violation of O.C.G.A. 42-1-12.
2. Offenders classified by the sex offender registration review board as a sexually dangerous predator must register with the sheriff of the county of residence 72 hours prior to their birthday and 6 months following their birthday each year.

J. Enforcement of Proximity Requirements O.C.G.A. 42-1-15, 42-1-16 and 42-1-17

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1. Residence: To be determined by the date the registerable offense was committed.

a. For offenses committed prior to June 4, 2003 there will be no residency restrictions.

b. For offenses committed between June 4, 2003 and June 30, 2006 residency restrictions will be determined by O.C.G.A. 42-1-17.

c. For Offenses committed between July 1, 2006 and June 30, 2008 residency restrictions will be determined by O.C.G.A. 42-1-16.

d. For offenses committed on or after July 1, 2008 residency restrictions will be determined by O.C.G.A. 42-1-15.

e. Residence restrictions can also be applied to an offender by conditions of Probation or Parole regardless of the date the offense was committed.

NOTE: When determining distance for those offenders who reside in an apartment complex, the 1000-foot measurement will be from the outside wall of the apartment to the outside barrier of the area where minors congregate (i.e. fence around a pool).

f. Any offender in violation of the statute will be given seven (7) days to find a residence in compliance with the statute. The offender will provide the proposed residence address to the probation officer who will have seven (7) days to approve the new residence. Upon approval of the new residence, the offender will have ten (10) days to complete his/her move. This process shall be documented in SCRIBE.

2. Employment: To be determined by the date the registerable offense was committed.

a. For offenses committed prior to June 4, 2003 there will be no employment restrictions.

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b. For offenses committed between June 4, 2003 and June 30, 2006 there will be no employment restrictions.

c. For offenses committed between July 1, 2006 and June 30, 2008 use O.C.G.A. 42-1-16.

Note: No individual who is a sexually dangerous predator shall be employed by or volunteer at any business or entity that is located within 1,000 feet of an area where minors congregate. Such distance shall be determined by measuring from the outer boundary(s) of the property on which the offender resides to the outer boundary(s) of the location in which such individual actually carries out or performs the functions of his or her job to the outer boundary of the childcare facility, church, school, day care center or area where minors congregate at their closet points

d. During the initial employment investigation and/or any subsequent employment investigation conducted in accordance with SOP IIIB03-0006, the officer shall survey the area to determine if the offender's employment is in compliance with O.C.G.A. 42-1-15. If a thorough visual survey indicates that the employment may be in violation of this code section, a measurement shall be taken utilizing the Global Positioning System (GPS) provided by the Department. All actions must be documented in SCRIBE.

e. Employment restrictions can also be applied to an offender by conditions of Probation or Parole regardless of the date the offense was committed.

3. Exemptions:

a. An offender may be granted an exemption to residence and employment restrictions if:

- 1) An individual owns or leases real property and a school, child care facility, church

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or area where minors congregate thereafter locates itself within 1000 feet of such property.

- 2) An individual has established employment and a school, child care facility or church thereafter locates within 1000 feet of such employment.
- 3) 3) A Sexually Dangerous Predator has established employment and an area where minors congregate thereafter locates with 1000 feet of such employment.
- 4) 4) An individual established property ownership, leasehold, or employment prior to July 1, 2006.
- 5) If an individual is notified that he or she is in violation of proximity restrictions, and if such individual claims that he or she is exempt from such prohibition pursuant to proximity law, such individual shall provide sufficient proof demonstrating his or her exemption to the sheriff of the county where the individual is registered within ten days of being notified of any such violation.

(a) For purposes of providing proof of residence, the individual may provide a driver's license, government issued identification, or any other documentation evidencing where the individual's habitation is fixed.

(b) For purposes of providing proof of property ownership, the individual shall provide a copy of his or her warranty deed, quitclaim deed, or voluntary deed, or other documentation evidencing property ownership.

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(c) For purposes of providing proof of employment, the individual may provide an Internal Revenue Service Form W-2, a pay check, or a notarized verification of employment from the individual's employer, or other documentation evidencing employment. Such employment documentation shall evidence the location in which such individual actually carries out or performs the functions of his or her job. Documentation provided pursuant to this subsection may be required to be date specific, depending upon the individual's exemption claim.

NOTE: Regardless of local law enforcement's decision to proceed with criminal sanctions, it is incumbent upon the probation officer to notify judiciary of said violation via a request for a warrant and/or delinquent report. Follow the judge's guidance and document all actions in SCRIBE.

4. Loitering

It shall be unlawful for any individual required to register pursuant to Code Section 42-1-12 to loiter, as prohibited by Code Section 16-11-36, at any child care facility, school, or area where minors congregate.

5. Photographing

No individual shall intentionally photograph a minor without the consent of the minor's parent or guardian.

K. Enforcement of Sex Offender Registration

1. It will be the responsibility of the sheriff maintaining records required under O.C.G.A. 42-1-12 to enforce the criminal provision of the Code section.

2. Criminal Provisions:

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- a. Failure to comply with the registration requirements of this Code Section is a felony offense and shall be punished by imprisonment for not less than one nor more than thirty years.
- b. Upon the second offense under this Code Section, the offender shall be guilty of a felony and shall be punished by imprisonment for not less than five nor more than 30 years.
- c. Any person who knowingly violates photography requirements of O.C.G.A 42-1-15 shall be guilty of a misdemeanor of a high and aggravated nature.

L. Administrative Supervision

If a sex offender is placed on administrative supervision by recommendation of the probation officer and written agreement of the Chief Probation Officer, or by judicial mandate, violation of registration requirements will result in a delinquent report to the sentencing judge and a request for a revocation hearing as soon as the probation officer is notified or becomes aware of the violation.

M. Confidentiality

The information collected under the state registration program shall be treated as private data except that:

1. It may be disclosed to law enforcement agencies for law enforcement purposes.
2. It may be disclosed to government agencies conducting confidential background checks.
3. The Georgia Bureau of Investigation or any sheriff maintaining records shall release relevant information that is necessary to protect the public concerning any person required to register, except that the identity of a victim of an offense shall not be released.

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4. Law enforcement agencies, employees of law enforcement agencies, members of the Sex Offender Registration Review Board, and state officials shall be IMMUNE FROM LIABILITY FOR GOOD FAITH CONDUCT under this Code section.

VII. RETENTION SCHEDULE:

- A. Upon completion, the original of attachment 1 and 2 will be kept in the probationer's file.
- B. All files regarding registered sex offenders will be kept until proof of death of that offender. This will include non-sex offense cases.
- C. Once all probation obligations to the offender have expired, the case materials will be forwarded to Offender Administration in Central Office. If a case is transferred out the supervising office will close interest and send the offender's case file to the sentencing circuit to be sent to Offender Administration to be digitally imaged into the offender document section of the departments offender database in the following order:
 1. All court ordered documents.
 2. Documents in order of SPS Intake Checklist.
 3. All other documents.