Georgia State University Law Review

Volume 13
Issue 1 *November 1996*

Article 56

3-29-2012

PENAL INSTITUTIONS General Provisions: Require Registration for Certain Offenders

Georgia State University Law Review

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Recommended Citation
Georgia State University Law Review (1996) "PENAL INSTITUTIONS General Provisions: Require Registration for Certain Offenders," *Georgia State University Law Review*: Vol. 13: Iss. 1, Article 56.
Available at: http://digitalarchive.gsu.edu/gsulr/vol13/iss1/56

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PENAL INSTITUTIONS

General Provisions: Require Registration for Certain Offenders

CODE SECTION:	O.C.G.A. § 42-1-12 (new)
BILL NUMBER:	SB 53
ACT NUMBER:	1035
GEORGIA LAWS:	1996 Ga. Laws 1520
SUMMARY:	The Act requires that persons who have been convicted of certain crimes against minors or who have been convicted of sexually violent offenses register their names, addresses, and other information with the Georgia Bureau of Investigation at the time such offenders are released from prison or placed on probation or parole. The Act establishes procedures for keeping file information current and defines the roles of the various law enforcement agencies in implementing and maintaining the registration program. Failure to comply with the registration requirements during the specified term of registration is classified as a misdemeanor and is a violation of the terms of probation or parole. Multiple violations constitute a felony punishable by imprisonment.
EFFECTIVE DATE:	July 1, 1996

History

Sex offenders make up one of the fastest growing groups of criminals in the Georgia prison system, second only to drug offenders.[1] Some 5000 sex offenders are in prison or on probation and, of this number, half raped or molested children.[2] Sex offenders are the most likely to repeat their offense and the least likely to be rehabilitated.[3]

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1. *A Unique Category of Criminals*, ATLANTA CONST., Feb. 2, 1994, at A10 [hereinafter *Criminals*].

2. *Id.*

3. *Keeping Track of Child Molesters*, ATLANTA CONST., Jan. 6, 1994, at A10 [hereinafter *Keeping Track*]. Seventy-five percent of child sex offenders have a previous conviction for another child sex offense. *Criminals, supra* note 1. Charles Roberts, for example, was released from a Georgia prison after serving fourteen years for kidnapping a nine-year-old girl, torturing and mutilating her. *Keeping Track, supra*. Less than two years later, Roberts was again arrested for repeatedly raping another little girl. *Id.* As one law enforcement officer stated, "[t]here's only one that I

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Courts and legislatures across the country are finding a number of ways to respond to the public's demand that something be done to protect society against those offenders who prey on women and children.[4] A New York state judge, for example, added an unusual twist to one twice-convicted child molester's probation sentence—he must move to a new home and put a sign on his front door that says in letters no less than three inches high, "DANGEROUS SEX OFFENDER NO CHILDREN ALLOWED."[5] Other preventive measures under consideration include increased sentencing for first-time and repeat offenders,[6] reversal of the trend toward early releases for violent offenders,[7] informing the public when convicted sex offenders are released,[8] and sexual offender registration programs.[9]

The Act is both responsive to and patterned after the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act,[10] which is a portion of the federal crime bill passed in 1994.[11] The Jacob Wetterling Act requires states to implement a registration program by September 13, 1997 or lose ten percent of their federal law enforcement assistance funding.[12] This loss might have been as much as 1.4 million dollars in federal funding to Georgia.[13]

SB 53

Who Must Register

The Act creates Code section 42-1-12, which requires persons who have committed certain crimes to register with the Georgia Bureau of Investigation (GBI) immediately upon release from prison, or placement

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know that was cured, and that's the (rapist) I shot and killed in the line of duty." *Rape-Mutilation by Repeat Offender Triggers Outrage in Washington State*, ATLANTA J. & CONST., June 3, 1989, at A6 [hereinafter *Rape-Mutilation by Repeat Offender*].

4. *Criminals, supra* note 1.

5. *Convicted Child Molester Ordered to Place Warning Sign on His Home*, ATLANTA J., Aug. 27, 1987, at A4.

6. *Rape-Mutilation by Repeat Offender, supra* note 3.

7. Wilson Lowry, *Keeping Criminals Behind Bars*, ATLANTA CONST., May 25, 1994, at A14.

8. *See, e.g.*, LA. REV. STAT. ANN. § 15:549 (West Supp. 1996); OR. REV. STAT. §§ 181.508-.509 (Supp. 1994).

9. *See, e.g.*, LA. REV. STAT. ANN. § 15:542 (West Supp. 1996); *see also Criminals, supra* note 1.

10. 42 U.S.C. § 14071 (1995).

11. Telephone Interview with Sen. Edward E. Boshears, Senate District No. 6 (Apr. 26, 1996) [hereinafter Boshears Interview].

12. 42 U.S.C. § 14071(f) (1995); Boshears Interview, *supra* note 11.

13. Boshears Interview, *supra* note 11.

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on probation or parole.[14] Persons required to register under the Act fall under one of two categories of offenders.

Sexually Violent Offenders or Persons Whose Crimes Involve Children

The first category of offenders who are required to register under the Act includes persons convicted of a "criminal offense against a victim who is a minor"[15] or persons convicted of a "sexually violent offense."[16] The registration requirements not only apply to anyone *convicted* of these offenses on or after July 1, 1996,[17] but they also apply to anyone *still serving under a sentence* on or after July 1, 1996 for a conviction of a criminal offense against minors or a sexually violent offense.[18] The General Assembly felt it would be too burdensome and expensive to apply the Act to those offenders who had been convicted and completed their sentence before July 1, 1996.[19] The GBI, for example, estimates that 2500 offenders will come under the requirements of the Act in the period beginning July 1, 1996 and ending July 1, 1997.[20] As it stands, the Act will apply to new offenders on or after July 1, 1996, to offenders who are released from prison on or after July 1, 1996, and to offenders who are placed on parole or probation on or after July 1, 1996.[21]

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14. O.C.G.A. § 42-1-12(b)(1)(A)(i) (Supp. 1996).

15. *Id.* The Act defines "criminal offense against a victim who is a minor" as any criminal offense consisting of the following:

> (i) Kidnapping of a minor, except by a parent;
> (ii) False imprisonment of a minor, except by a parent;
> (iii) Criminal sexual conduct toward a minor;
> (iv) Solicitation of a minor to engage in sexual conduct;
> (v) Use of a minor in a sexual performance;
> (vi) Solicitation of a minor to practice prostitution; or
> (vii) Any conduct that by its nature is a sexual offense against a minor.
>
> (B) For purposes of this paragraph, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

Id. § 42-1-12(a)(4)(A).

16. *Id.* § 42-1-12(b)(1)(A)(i). "Sexually violent offense" would include any conviction for rape, aggravated sodomy, aggravated child molestation, sexual battery or aggravated sexual battery. *Id.* § 42-1-12(a)(7). It would also include any offense that involves "engaging in physical contact with another person with intent to commit such an offense." *Id.*

17. *Id.* § 42-1-12(b)(1)(A)(i).

18. *Id.* § 42-1-12(b)(1)(A)(ii).

19. Telephone Interview with Rep. Terry E. Barnard, House District No. 154 (May 4, 1996) [hereinafter Barnard Interview I].

20. *Id.*

21. *Id.*

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In an effort to clarify the boundaries of this first category of persons required to register, several changes were made to the original bill. First, early versions of the bill did not define "conviction."[22] The term was first defined in the House committee substitute, remained unchanged in every version submitted thereafter,[23] and specifically excluded persons falling under the State's "first offender" provisions.[24] Many legislators were reluctant to impose the harsh registration requirements in "borderline" cases involving youths who merely failed to exercise good judgment.[25] In those cases, many legislators felt that judges should be allowed to use their discretion, after reviewing all of the evidence, in deciding whether to subject a teenaged offender to the registration requirements or to discharge him without adjudicating guilt.[26]

Second, the original bill defined "sexually violent offense" as any violation of the Code sections dealing with rape,[27] aggravated sodomy,[28] sexual battery,[29] or aggravated sexual battery.[30] The House committee substitute expanded the definition to include violations of the Code sections dealing with aggravated child molestation.[31] While "aggravated child molestation" is probably covered under the definition of "criminal offense against a victim who is a minor," the House committee substitute nevertheless included this offense in response to concerns raised by the Board of Pardons and Paroles that possible loopholes in the "criminal offense against a victim who is a minor" definition might enable a child molester to slip

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22. *See* SB 53 (SCS), 1995 Ga. Gen. Assem.; SB 53, as introduced, 1995 Ga. Gen. Assem.

23. *See* SB 53 (HCSFA), 1996 Ga. Gen. Assem.; SB 53 (HCS), 1996 Ga. Gen. Assem.

24. O.C.G.A. § 42-1-12(a)(3) (Supp. 1996). "Conviction" is defined as a

> [F]inal judgment of conviction entered upon a verdict or finding of guilty of a crime or upon a plea of 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 of this title, relating to first offenders, shall not be subject to the registration requirements of this Code section.

Id.

25. Barnard Interview I, *supra* note 19.

26. *Id.* Representative Barnard did not want to add the "first offense" exemption but agreed to it in order to help the bill get passed. *Id.*

27. 1968 Ga. Laws 1249, § 1, at 1299 (codified at O.C.G.A. § 16-6-1 (1996)).

28. *Id.* (codified at O.C.G.A. § 16-6-2 (1996)).

29. 1990 Ga. Laws 1003, § 2, at 1003-04 (codified at O.C.G.A. § 16-6-22.1 (1996)).

30. *Id.* at 1004 (codified at O.C.G.A. § 16-6-22.2 (1996)).

31. O.C.G.A. § 42-1-12(a)(7) (Supp. 1996); *see* SB 53 (HCS), 1996 Ga. Gen. Assem.; 1984 Ga. Laws 685, § 1, at 685-86 (codified at O.C.G.A. § 16-6-4 (1996)).

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through.[32] The General Assembly wanted to make sure that child molesters would be covered by the Act.[33]

Third, the House committee substitute expanded the definition of sexually violent offense to include any offense having "as its element engaging in physical contact with another person with intent to commit such an offense."[34] Again, this change was made to address a concern raised by the Board of Pardons and Paroles that some offenders who may have made the physical contact represented in the other enumerated offenses may nevertheless not be reachable because of the existence of a mental health condition making it difficult to establish the intent element of these offenses.[35]

Finally, the Act provides that a conviction in a federal court or court of another state for felony offenses similar to those enumerated shall constitute a sexually violent offense for purposes of the registration requirement.[36]

Sexually Violent Predators

The second category of offenders who are required to register targets persons who have been classified as "sexually violent predator[s]."[37] A

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32. Barnard Interview I, *supra* note 19. For example, the definition of "criminal offense against a victim who is a minor" carves out an exception for sexual conduct with a minor that is criminal only because of the age of the victim if the perpetrator is eighteen years of age or younger. *See* O.C.G.A. § 42-1-12(a)(4)(B) (Supp. 1996). Adding violations of the child molestation statute effectively eliminates that exception. *See* 1984 Ga. Laws 685, § 1, at 685-86 (codified at O.C.G.A. § 16-6-4 (1996)).

33. Barnard Interview I, *supra* note 19.

34. O.C.G.A. § 42-1-12(a)(7) (Supp. 1996).

35. Barnard Interview I, *supra* note 19.

36. O.C.G.A. § 42-1-12(a)(7) (Supp. 1996). The "other state offense" provision was included in every version of this particular legislation. *See* SB 53 (HCSFA), 1996 Ga. Gen. Assem.; SB 53 (HCS), 1996 Ga. Gen. Assem.; SB 53 (SCS), 1995 Ga. Gen. Assem.; SB 53, as introduced, 1995 Ga. Gen. Assem.

At one point the House intended to offer an amendment which would have provided (in a later portion of the bill) that:

> Any person who has been convicted in federal court or court of another state of a criminal offense against a victim who is a minor or a sexually violent offense and who subsequent to release from prison or placement on parole or probation establishes a residence in this state shall be required to register in this state.

See SB 53 (HFA), Ga. Gen. Assem. The amendment was withdrawn because persons convicted of sexually violent offenses in other states who subsequently move to Georgia appeared to be adequately covered in the definition of "sexually violent offense" and therefore fell under the requirements of the Act. Barnard Interview I, *supra* note 19.

37. O.C.G.A. § 42-1-12(b)(1)(B) (Supp. 1996). The significance of being classified as a "sexually violent predator" rather than a "sexually violent offender" relates to the length of the registration requirement and the frequency of the periodic verification requirement. *See generally infra* notes 74-76 and accompanying text.

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sexually violent predator is a person who has been convicted of a sexually violent offense *and* who suffers either from a "mental abnormality"[38] or a "personality disorder or attitude that places the person at risk of perpetrating any future predatory sexually violent offenses."[39] This is a change from the original version of the bill which defined "sexually violent predator" as a "person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person *likely to engage* in predatory sexually violent offenses."[40] The House committee substitute broadened the definition to include persons who have an "attitude" that places the person "at risk" of perpetrating future predatory sexually violent offenses.[41] This change was made in response to a concern raised by the Board of Pardons and Paroles that there may be persons who, for some reason, do not rise to the level of having a mental illness but still have a disposition towards committing these sexual offenses.[42]

Determining Which Offenders Are Predators

While the ultimate determination of whether an offender should be classified as a predator is made by the sentencing court,[43] the Act provides for the creation of a "Sexual Offender Registration Review Board" (Review Board), which makes recommendations to the court as to the appropriateness of making such a classification.[44] A court that has determined that an offender is guilty of a sexually violent offense *may* request a recommendation from the Review Board as to whether an offender should be classified as a sexually violent predator.[45] A court *must*, however, request a report for any offender with a history of sexually violent offenses.[46] In other words, the court may use its

38. O.C.G.A. § 42-1-12(a)(5) (Supp. 1996). "Mental abnormality" means a "congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons." *Id.*

39. *Id.* § 42-1-12(a)(8).

40. SB 53, as introduced, 1995 Ga. Gen. Assem. (emphasis added).

41. O.C.G.A. § 42-1-12(a)(8) (Supp. 1996); SB 53 (HCS), 1996 Ga. Gen. Assem.

42. Barnard Interview I, *supra* note 19.

43. O.C.G.A. § 42-1-12(b)(2)(A) (Supp. 1996).

44. *Id.* § 42-1-12(b)(2)(B). The Sexual Offender Registration Review Board is made up of three professionals licensed and knowledgeable in the field of the behavior and treatment of sexual offenders. Members are appointed by the commissioner of human resources and may serve a maximum of two consecutive four-year terms. *Id.*

45. *Id.* § 42-1-12(b)(2)(C).

46. *Id.* The Review Board has sixty days after receipt of the court's request for a recommendation to issue its report. The court then has sixty days from its receipt of the report to issue a ruling as to whether the offender shall be classified as a sexually violent predator. *Id.*

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discretion regarding whether to request the Review Board's recommendation upon an offender's first conviction; once the offender is found guilty of his second offense, however, a recommendation by the Review Board as to the offender's predatory status is mandatory.[47]

Removal of Predator Status

The Act provides a mechanism for the offender who has been classified as a sexually violent predator to have that status terminated.[48] The offender classified as a predator may make an application to the Review Board to have the registration requirements terminated after the offender has been released on parole, probation or from incarceration, for a period of three years.[49] If the Review Board determines that the offender no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense, that information is to be forwarded to the sentencing court, where a final decision on the matter is to be rendered.[50] If the court concurs with the Review Board's determination, it must notify the GBI that the registration requirements shall no longer apply to the offender.[51] If the court does not concur with the Review Board's determination, however, the offender is required to continue with the registration requirements.[52]

Earlier versions of the bill gave the Review Board the ultimate decisionmaking power regarding whether an offender should be classified as a sexually violent predator.[53] The House committee substitute and subsequent versions, however, made Review Board opinions advisory only.[54] Because appointment to the Review Board is not a compensated position,[55] its members should only be required to render opinions.[56] Judges should have the ultimate burden of deciding whether to terminate a sexual offender's predatory status, because they know the details surrounding the particular case and have had the

47. Barnard Interview I, *supra* note 19.

48. O.C.G.A. § 42-1-12(b)(2)(D) (Supp. 1996).

49. *Id.* If the application is denied, the offender must wait two years before reapplying. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *See* SB 53 (SCS), 1995 Ga. Gen. Assem.; SB 53, as introduced, 1995 Ga. Gen. Assem.

54. O.C.G.A. § 42-1-12(b)(2)(A) (Supp. 1996); *see* SB 53 (HCSFA), 1996 Ga. Gen. Assem.; SB 53 (HCS), 1996 Ga. Gen. Assem.

55. Members of the Review Board are only reimbursed for their expenses. O.C.G.A. § 42-1-12(b)(2)(B) (Supp. 1996).

56. Barnard Interview I, *supra* note 19.

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benefit of hearing all of the evidence.[57] Further, the 1994 federal crime bill required the court to make this determination.[58]

When the Registration Requirement Begins

The offender is to provide information to the appropriate state official[59] at the time he is released from prison or placed on parole, supervised release, or probation.[60] Early versions of the bill made references in the definition of "appropriate state official" to an offender's incarceration or lack of incarceration in the "state correctional system."[61] Members of the House Committee on State Institutions and Property felt it necessary to change that reference to incarceration in the "state prison system."[62] Because this legislation was meant to be very specific and narrowly drawn, the General Assembly wanted to make it clear that this bill was not meant to apply to someone whose offense was only severe enough to require time spent in a local jail.[63]

What Information Must be Given

Persons who are required to register under the Act must register their name, current address, place of employment, the crime of which they were convicted, and the date they were released from prison or

57. *Id.*

58. *Id.*

59. In the case of an offender who is to be placed on probation without any sentence of incarceration in the state prison system, the "appropriate state official" would be the sentencing court. O.C.G.A. § 42-1-12(a)(1)(A) (Supp. 1996). With respect to an offender who is incarcerated in a state prison and is subsequently released or placed on probation, the "appropriate state official" would be the commissioner of corrections or his or her designee. *Id.* § 42-1-12(a)(1)(B). The "appropriate state official" in the case of an offender who is placed on parole would be the chairperson of the State Board of Pardons and Paroles or his or her designee. *Id.* § 42-1-12(a)(1)(C).

60. *Id.* § 42-1-12(b)(3)(A). At the time the initial information is obtained from the offender, the appropriate state official must also obtain fingerprints and a photograph of the offender if these were not already obtained as part of the conviction for the offense. *Id.* The official must also inform the offender of the continuing duty to give notice of any changes of residence address, and, if the offender changes residence to another state, the duty to register with a designated law enforcement agency in the new state if required in that state. *Id.* In addition, the offender must read and sign a form stating that the duty to register has been explained. *Id.*

61. The definition of "appropriate state official" in the Senate committee substitute, for example, makes a reference to offenders who are sentenced to probation "without any sentence of incarceration in the state correctional system." *See* SB 53 (SCS), 1995 Ga. Gen. Assem.

62. *Compare* SB 53, as introduced, 1995 Ga. Gen. Assem. *with* SB 53 (HCS), 1996 Ga. Gen. Assem.

63. Barnard Interview I, *supra* note 19.

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placed on parole, supervised release, or probation.[64] Early versions of this bill only required that the offender register his current address.[65] The House committee substitute added the requirement that offenders provide additional information, recognizing that law enforcement agencies need as much information on these offenders as possible.[66] An offender's place of employment is valuable information; for example, knowing that an offender is working at a school would alert the law enforcement agency to the possible need to inform school officials.[67] The release date, too, is important because it determines when verifications are to be sent and when the registration requirement is to be terminated.[68]

Information about sexually violent predators is more comprehensive; the appropriate state official must not only obtain all of the information described above, but also descriptive physical and behavioral information that may assist law enforcement personnel in identifying the predator, his offense history, and documentation of any treatment he has received for any mental abnormality or personality disorder.[69]

Once the appropriate state official obtains the initial registration information from the offender, it is to be entered into the Criminal Justice Information System[70] and forwarded to the GBI where it is in turn transmitted to other law enforcement agencies.[71]

How Long Registration Is Required

Persons convicted of criminal offenses against minors or sexually violent offenses are required to register until ten years have elapsed since the person was released from prison or placed on parole, supervised release, or probation.[72] The registration information is verified on a yearly basis, beginning with the first anniversary of the offender's initial registration date.[73]

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64. O.C.G.A. § 42-1-12(b)(1)(A) (Supp. 1996).

65. *See* SB 53 (SCS), 1995 Ga. Gen. Assem.; SB 53, as introduced, 1995 Ga. Gen. Assem.

66. Barnard Interview I, *supra* note 19; *see* SB 53 (HCS), 1996 Ga. Gen. Assem.

67. Barnard Interview I, *supra* note 19.

68. *Id. See generally infra* notes 73-76 and accompanying text.

69. O.C.G.A. § 42-1-12(b)(3)(B) (Supp. 1996).

70. The Act provides that the Georgia Crime Information Center shall create a network system that the appropriate state official will use for inputting the original registration information and sheriffs' departments (who are responsible for maintaining the registry and enforcing the registration requirements) will use for updating and recording changes in the registration information. *Id.* § 42-1-12(b)(3)(C).

71. *Id.* § 42-1-12(c). The GBI is to forward the conviction data and fingerprints to the Federal Bureau of Investigation and the Georgia Crime Information Center is to notify the sheriff of the county where the offender shall reside. *Id.*

72. *Id.* § 42-1-12(g)(1).

73. *Id.* § 42-1-12(d)(1). The mechanics for verification are as follows: (1) the GBI

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Persons classified as sexually violent predators have an ongoing registration requirement.[74] Predators must verify registration information every ninety days, rather than annually.[75]

Penalties for Noncompliance

Anyone required to register who fails to register or who provides false information shall be guilty of a misdemeanor.[76] The threat of being charged with a misdemeanor would probably not be much of an incentive to the average convicted felon, but making compliance with the registration requirements a condition of parole or probation certainly would because committing a misdemeanor would mean additional jail time for the offender.[77] A third or subsequent offense constitutes a felony that shall be punishable by imprisonment for not less than one nor more than three years.[78] A House floor amendment added this provision because of concern that the threat of a misdemeanor might not be enough to "encourage" an offender who has already served his maximum sentence to continue to comply with the registration requirements.[79]

Because of the centralized information network through which the offender registration information is created and maintained, an offender who violates the registration requirements of the Act by failing to return the periodic verification forms is immediately listed in the computer as "wanted."[80] Consequently, even being stopped for a routine traffic violation would alert the law enforcement officer that this is a sexual offender who has violated the registration requirements.[81]

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mails a nonforwardable verification form to the last reported address of the offender; (2) the offender is then required, as a condition of parole or probation, to sign the form (which states that the offender still resides at the address last reported to the GBI) and return it to the sheriff within ten days after receipt of the form. *Id.*

74. *Id.* § 42-1-12(g)(2). This section provides that the "requirement of a person to register under [the provisions relating to sexually violent predators] shall terminate upon a determination . . . that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense." *Id.*

75. *Id.* § 42-1-12(d)(2). The provision of the Act requiring more frequent verifications for sexually violent predators mirrors that required under the federal crime bill. *See* 42 U.S.C. § 14071(b)(3) (1995).

76. O.C.G.A. § 42-1-12(h) (Supp. 1996).

77. Barnard Interview I, *supra* note 19.

78. O.C.G.A. § 42-1-12(h) (Supp. 1996).

79. SB 53 (HCSFA), 1996 Ga. Gen. Assem.; Barnard Interview I, *supra* note 19.

80. Barnard Interview I, *supra* note 19.

81. *Id.*

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Public Access to Information

The Act provides that information collected under the state registration program shall be treated as private data that may only be disclosed (1) to law enforcement agencies for law enforcement purposes, (2) to government agencies conducting confidential background checks, or (3) as the GBI or any sheriff deems necessary to protect the public concerning a specific person required to register under this Code section.[82] While some states give the public greater access to registry information,[83] Georgia registration legislation limits the availability of registry information to avoid the possibility of challenges on constitutional grounds.[84]

Constitutional Concerns

Although no one directed major lobbying efforts against the passage of the Act and no legislators openly opposed this legislation, a few legislators, early in the bill's development, expressed concern with the constitutionality of the registration requirements.[85] In particular, a violation of an offender's right to privacy or an unconstitutional extension of an offender's punishment seemed possible.[86] However, once the New Jersey Supreme Court handed down a ruling upholding New Jersey's notification statute,[87] and announcing that a registration requirement was not an extension of an offender's punishment and, therefore, would not be unconstitutional, any concerns that the registration requirements of the Act would be challenged on constitutional grounds were put to rest.[88] Further, the legislators made no attempt to stretch the availability of access to registration information beyond that of the law enforcement community, which was the minimum required under the federal crime bill, as a compromise to

82. O.C.G.A. § 42-1-12(i) (Supp. 1996).

83. Barnard Interview I, *supra* note 19. One state has a 900 number that individuals can call to determine whether a specific person is on the sex offender registry list. *Id.* The Oregon registration statute provides for a toll-free number for sex-crime victims to obtain current information on their assailants. *See* 1991 Or. Laws 389, § 6(2).

84. Barnard Interview I, *supra* note 19.

85. Telephone Interview with Rep. Terry E. Barnard, House District No. 154 (June 4, 1996) [hereinafter Barnard Interview II].

86. *Id.*

87. *See* Doe v. Poritz, 662 A.2d 367 (N.J. 1995). Notification statutes are often referred to as "Megan's Law" for Megan Kanka, a seven-year-old who was murdered by a twice-convicted sex offender who moved in across the street from her family. Michelle Ruess, *Sex Offenders Plan Challenge to Megan's Law*, RECORD, Oct. 14, 1994, at A4.

88. Barnard Interview II, *supra* note 85.

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those concerned about a possible unconstitutional invasion of an offender's right to privacy.[89]

Karen Kay Harris

89. *Id.*

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