

## Ga. Code § 42-1-19

### Section 42-1-19 - Petition for release from registration requirements

- (a)** An individual required to register pursuant to Code Section 42-1-12 may petition a superior court for release from registration requirements and from any residency or employment restrictions of this article if the individual:
- (1)** Has completed all prison, parole, supervised release, and probation for the offense which required registration pursuant to Code Section 42-1-12; 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 as such term is defined in Code Section 49-4-80; or
    - (C)** Is otherwise seriously physically incapacitated due to illness or injury;
  - (2)** Was sentenced for a crime that became punishable as a misdemeanor on or after July 1, 2006, and meets the criteria set forth in subparagraphs (c)(1)(A) through (c)(1)(F) of Code Section 17-10-6.2;
  - (3)** Is required to register solely because he or she was convicted of kidnapping or false imprisonment involving a minor and such offense did not involve a sexual offense against such minor or an attempt to commit a sexual offense against such minor. For purposes of this paragraph, the term "sexual offense" means any offense listed in division (a)(10)(B)(i) or (a)(10)(B)(iv) through (a)(10)(B)(xix) of Code Section 42-1-12; or
  - (4)** Has completed all prison, parole, supervised release, and probation for the offense which required registration pursuant to Code Section 42-1-12 and meets the criteria set forth in subparagraphs (c)(1)(A) through (c)(1)(F) of Code Section 17-10-6.2.
- (b)**
- (1)** A petition for release pursuant to this Code section shall be filed in the superior court of the jurisdiction in which the individual was convicted; provided, however, that if the individual was not convicted in this state, such petition shall be filed in the superior court of the county where the individual resides.
  - (2)** Such petition shall be served on the district attorney of the jurisdiction where the petition is filed, the sheriff of the county where the petition is filed, and the sheriff of the county where the individual resides. Service on the district attorney and sheriff may be had by mailing a copy of the petition with a proper certificate of service.
  - (3)** If a petition for release is denied, another petition for release shall not be filed within a period of two years from the date of the final order on a previous petition.
- (c)**

- (1) An individual who meets the requirements of paragraph (1), (2), or (3) of subsection (a) of this Code section shall be considered for release from registration requirements and from residency or employment restrictions.
- (2) An individual who meets the requirements of paragraph (4) of subsection (a) of this Code section may be considered for release from registration requirements and from residency or employment restrictions only if:
- (A) Ten years have elapsed since the individual completed all prison, parole, supervised release, and probation for the offense which required registration pursuant to Code Section 42-1-12; or
- (B) The individual has been classified by the board as a Level I risk assessment classification, provided that if the board has not done a risk assessment classification for such individual, the court shall order such classification to be completed prior to considering the petition for release.
- (d) In considering a petition pursuant to this Code section, the court may consider:
- (1) Any evidence introduced by the petitioner;
- (2) Any evidence introduced by the district attorney or sheriff; and
- (3) Any other relevant evidence.
- (e) The court shall hold a hearing on the petition if requested by the petitioner.
- (f) The court may issue an order releasing the individual from registration requirements or residency or employment restrictions, in whole or part, if the court finds by a preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense. The court may release an individual from such requirements or restrictions for a specific period of time. The court shall send a copy of any order releasing an individual from any requirements or restrictions to the sheriff and the district attorney of the jurisdiction where the petition is filed, to the sheriff of the county where the individual resides, to the Department of Corrections, to the Department of Community Supervision, and to the Georgia Bureau of Investigation.

*OCGA § 42-1-19*

Amended by 2015 Ga. Laws 73, § 5-67, eff. 7/1/2015.

Added by 2010 Ga. Laws 389, § 15, eff. 5/20/2010.

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