Rules and Regulations of the State of Georgia

Department 594 RULES OF SEXUAL OFFENDER REGISTRATION REVIEW BOARD

Current through Rules and Regulations filed through October 27, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 594-1 entitled "Sexual Offender Registration Review Board" has been adopted. Filed March 14, 2007; effective April 3, 2007.

Rules 594-1-.01 to .04 have been amended. Filed September 14, 2009; effective October 4, 2009.

Rules 594-1-.01 and 594-1-.04 amended. F. Sep. 4, 2012; eff. Sep. 24, 2012.

Rule 594-1-.01 amended. F. Oct. 15, 2013; eff. Nov. 4, 2013.

Rules 594-1-.01, .03, .04 amended. Rule 594-1-.05 adopted. F. June 21, 2017; eff. July 11, 2017.

Cite as Ga. Comp. R. & Regs. R. dept. 594, ADMINISTRATIVE HISTORY

Chapter 594-1. SEXUAL OFFENDER REGISTRATION REVIEW BOARD.

Rule 594-1-.01. Organization.

Board Membership: The Sexual Offender Registration Review Board shall be composed of three (3) professionals licensed under Title 43 and knowledgeable in the field of the behavior and treatment of sexual offenders; at least one representative from a victim's rights advocacy group or agency; and at least two representatives from law enforcement, each of whom is either employed by a law enforcement agency as a certified peace officer under Title 35 or retired from such employment.

Cite as Ga. Comp. R. & Regs. R. 594-1-.01
Authority: O.C.G.A. §§ 42-1-13, 42-1-14.
History. Original Rule entitled "Organization" adopted. F. Mar. 14, 2007; eff. Apr. 3, 2007.
Amended: F. Sept. 14, 2009; eff. Oct. 4, 2009.
Amended: F. Sep. 4, 2012; eff. Sept. 24, 2012.
Amended: F. Oct. 15, 2013; eff. Nov. 4, 2013.
Amended: F. June 21, 2017; eff. July 11, 2017.

Rule 594-1-.02. Member Compensation.

The members of the Board shall serve without compensation, but shall be entitled to an expense allowance and travel cost reimbursement same as members of certain other Boards and commissions as provided in Code Section 45-7-21.

Cite as Ga. Comp. R. & Regs. R. 594-1-.02
Authority: O.C.G.A. Secs. 42-1-13, 42-1-14.
History. Original Rule entitled "Member Compensation" adopted. F. Mar. 14, 2007; eff. Apr. 3, 2007.
Amended: F. Sept. 14, 2009; eff. Oct. 4, 2009.

Rule 594-1-.03. Administrative Assignment.

The Sexual Offender Registration Review Board is assigned to the Department of Behavioral Health and Developmental Disabilities for administrative purposes, and, provided there is adequate funding shall:

(a) Exercise its quasi-judicial, rule-making or policy making functions independent of the Department of Behavioral Health and Developmental Disabilities and without approval or control of the Department of Behavioral Health and Developmental Disabilities.

(b) Prepare its budget, if any and submit its budgetary requests, if any, through the Department of Behavioral Health and Developmental Disabilities; and

(c) Hire its own personnel, including but not limited to administrative personnel and clinical evaluators.

(d) Members of the board shall be immune from liability for good faith conduct under this article.

Cite as Ga. Comp. R. & Regs. R. 594-1-.03
Authority: O.C.G.A. §§ 42-1-13, 42-1-14.
History. Original Rule entitled "Administrative Assignment" adopted. F. Mar. 14, 2007; eff. Apr. 3, 2007.
Amended: F. Sept. 14, 2009; eff. Oct. 4, 2009.
Amended: F. June 21, 2017; eff. July 11, 2017.

Rule 594-1-.04. Risk Assessment and Classification.

The Board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense. The board shall make such determination for any sexual offender convicted on or after July 1, 2006, of a criminal offense against a victim who is a minor or a dangerous sexual offense and for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006, of a criminal offense against a victim who is a minor. Any sexual offender who changes residence from another state or territory of the United States or any other place to this state and who is not already designated under Georgia law as a sexually dangerous predator, or sexually violent predator shall have his or her required registration information forwarded by the sheriff of his or her county of registration to the board for the purpose of risk assessment classification. The board shall also make such determination upon the request of a superior court judge for purposes of considering a petition to be released from registration restrictions or residency or employment restrictions as provided for in Code Section 42-1-19.

(a) A sexual offender shall be placed into Level I risk assessment classification, Level II risk assessment classification, or sexually dangerous predator classification based upon the board's assessment criteria and information obtained and reviewed by the board. The sexual offender may provide the board with information, including, but not limited to, psychological evaluations, sexual history polygraph information, treatment history, and personal, social, educational, and work history, and may agree to submit to a psychosexual evaluation or sexual history polygraph conducted by the board. If the sexual offender has undergone treatment or supervision through the Department of Corrections or the Department of Community Supervision, such treatment records shall also be submitted to the board for evaluation. The prosecuting attorney shall provide the board with any information available to assist the board in rendering an opinion, including, but not limited to, criminal history and records related to previous criminal history. The board shall utilize the Georgia Bureau of Investigation to assist it in obtaining information relative to its evaluation of sexual offenders and the Georgia Bureau of Investigation shall provide the board with information as requested by the board. The board shall be authorized to obtain information from supervision records of the State Board of Pardons and Paroles regarding such sexual offender, but such records shall remain confidential state secrets in accordance with Code Section 42-9-53 and shall not be made available to any other person or entity or be subject to subpoena unless declassified by the State Board of Pardons and Paroles. The clerk of court shall send a copy of the sexual offender's conviction to the board and notify the board that a sexual offender's evaluation will need to be performed. The board shall render its recommendation for risk assessment classification within:

(1) Sixty days of receipt of a request for an evaluation if the sexual offender is being sentenced pursuant to subsection (c) of Code Section 17-10-6.2;

(2) Six months prior to the sexual offender's proposed release from confinement if the offender is incarcerated;

(3) Sixty days of receipt of the required registration information from the sheriff when the sexual offender changes residence from another state or territory of the United States or any other place to this state and is not already classified;

(4) Sixty days if the sexual offender is sentenced to a probated or suspended sentence; and

(5) Ninety days if such classification is requested by the court pursuant to a petition filed under Code Section 42-1-19.

(b) The board shall notify the sexual offender by first-class mail of its determination of risk assessment classification and shall send a copy of such classification to the Georgia Bureau of Investigation, the Department of Corrections, the Department of Community Supervision, the sheriff of the county where the sexual offender is registered, and the sentencing court, if applicable.

(c) If the board determines that a sexual offender should be classified as a Level II risk assessment classification or as a sexually dangerous predator, the sexual offender may petition the board to reevaluate his or her classification. To file a petition for reevaluation, the sexual offender shall be required to submit his or her written petition for reevaluation to the board within 30 days from the date of the letter notifying the sexual offender of his or her classification. The sexual offender shall have 60 days from the date of the notification letter to submit information as provided in subsection (a) of this Code section in support of the sexual offender's petition for reevaluation. If the sexual offender fails to submit the petition or supporting documents within the time limits provided, the classification shall be final. The board shall notify the sexual offender by first-class mail of its decision on the petition for reevaluation of risk assessment classification and shall send a copy of such notification to the Georgia Bureau of Investigation, the Department of Corrections, the Department of Community Supervision, the sheriff of the county here the sexual offender is registered, and the sentencing court, if applicable.

(d) A sexual offender who is classified by the board as a Level II risk assessment classification or as a sexually dangerous predator may file a petition for judicial review of his or her classification within 30 days of the date of the notification letter or, if the sexual offender has requested reevaluation pursuant to subsection (b) of this Code section, within 30 days of the date of the letter denying the petition for reevaluation. The petition for judicial review shall name the board as defendant, and the petition shall be filed in the superior court of the county where the offices of the board are located. Within 30 days after service of the appeal on the board, the board shall submit a summary of its findings to the court and mail a copy, by first-class mail, to the sexual offender. The findings of the board shall be considered prima-facie evidence of the classification. The court shall also consider any relevant evidence submitted, and such evidence and documentation shall be mailed to the parties as well as submitted to the court. The court may hold a hearing to determine the issue of classification. The court may uphold the classification of the board, or, if the court finds by a preponderance of the evidence that

the sexual offender is not placed in the appropriate classification level, the court shall place the sexual offender in the appropriate risk assessment classification. The court's determination shall be forwarded by the clerk of the court to the board, the sexual offender, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender is registered.

(e) Any individual who was classified as a sexually violent predator prior to July 1, 2006, shall be classified as a sexually dangerous predator on and after July 1, 2006.

(f) Any sexually dangerous predator shall be required to wear an electronic monitoring system that shall have, at a minimum:

(1) The capacity to locate and record the location of a sexually dangerous predator by a link to a global positioning satellite system;

(2) The capacity to timely report or record a sexually dangerous predator's presence near or within a crime scene or in a prohibited area or the sexually dangerous predator's departure from specific geographic locations; and

(3) An alarm that is automatically activated and broadcasts the sexually dangerous predator's location if the global positioning satellite monitor is removed or tampered with by anyone other than a law enforcement official designated to maintain and remove or replace the equipment.

Such electronic monitoring system shall be worn by a sexually dangerous predator for the remainder of his or her natural life. The sexually dangerous predator shall pay the cost of such system to the Department of Community Supervision if the sexually dangerous predator is under probation or parole supervision and to the sheriff after the sexually dangerous predator completes his or her term of probation and parole or if the sexually dangerous predator has moved to this state from another state, territory, or country. The electronic monitoring system shall be placed upon the sexually dangerous predator prior to his or her release from confinement. If the sexual offender is not in custody, within 72 hours of the decision classifying the sexual offender as a sexually dangerous predator in accordance with subsection (b) of this Code section, the sexually dangerous predator shall report to the sheriff of the county of his or her residence for purposes of having the electronic monitoring system placed on the sexually dangerous predator.

(g) In addition to the requirements of registration for all sexual offenders, a sexually dangerous predator shall report to the sheriff of the county where such predator resides six months following his or her birth month and update or verify his or her required registration information.

Cite as Ga. Comp. R. & Regs. R. 594-1-.04
Authority: O.C.G.A. §§ 42-1-13, 42-1-14.
History. Original Rule entitled "Risk Assessment and Classification" adopted. F. Mar. 14, 2007; eff. Apr. 3, 2007.

Amended: F. Sept. 14, 2009; eff. Oct. 4, 2009.
Amended: F. Sep 4, 2012; eff. September 24, 2012.
Amended: F. June 21, 2017; eff. July 11, 2017.

Rule 594-1-.05. Automatic Amendment of these Rules.

At any such time that the statutes are amended, these rules will automatically be amended to reflect such changes.

Cite as Ga. Comp. R. & Regs. R. 594-1-.05
Authority: O.C.G.A. §§ 42-1-13, 42-1-14.
History. Original Rule entitled "Automatic Amendment of these Rules" adopted. F. June 21, 2017; eff. July 11, 2017.