

House Bill 263

By: Representatives Randall of the 127th, McClinton of the 68th, Jenkins of the 110th and Childers of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 14 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to nursing homes employee records checks, so as to change certain definitions; to
3 define additional terms; to change the provisions relating to request for a criminal record
4 check with respect to an applicant for employment in a nursing home; to provide that a
5 nursing home shall make a written determination for each applicant for whom a criminal
6 record check is performed; to provide that a nursing home shall not employ a person with an
7 unsatisfactory determination; to provide that a nursing home that hires an applicant for
8 employment with a criminal record shall be subject to civil penalties; to provide for the
9 amount of civil penalties and conditions for the assessment of such penalties; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 14 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
14 nursing homes employee records checks, is amended by striking in its entirety Code Section
15 31-7-350, relating to definitions applicable under said article, and inserting in lieu thereof a
16 new Code Section 31-7-350 to read as follows:

17 "31-7-350.

18 As used in this article, the term:

19 (1) 'Conviction' means a finding or verdict of guilty or a plea of guilty regardless of
20 whether an appeal of the conviction has been sought.

21 (2) 'Crime' means commission of an offense which constitutes a felony with respect to
22 the following:

23 (A) A a violation of Code Section 16-5-21, relating to aggravated assault;

24 (B) A a violation of Code Section 16-5-24, relating to aggravated battery;

25 (C) A a violation of Code Section 16-6-1, relating to rape;

26 (D) A a ~~felony~~ violation of Code Section 16-8-2, relating to theft by taking;

- 1 (E) A a felony violation of Code Section 16-8-3, relating to theft by deception;
- 2 (F) A a felony violation of Code Section 16-8-4, relating to theft by conversion;
- 3 (G) A a violation of Code Section 16-5-1, relating to murder and felony murder;
- 4 (H) A a violation of Code Section 16-4-1, ~~involving attempted murder~~, relating to
- 5 criminal attempt as it concerns attempted murder;
- 6 (I) A a violation of Code Section 16-8-40, relating to robbery;
- 7 (J) A a violation of Code Section 16-8-41, relating to armed robbery;
- 8 (K) A violation of Code Section 16-9-1, relating to forgery in the first degree; a
- 9 violation of Code Section 16-9-2, relating to forgery in the second degree;
- 10 (L) A a felony violation of Chapter 13 of Title 16, relating to controlled substances; or
- 11 (M) Any any other offense committed in another jurisdiction which, if committed in
- 12 this state, would be deemed to be such a crime without regard to its designation
- 13 elsewhere.
- 14 (3) 'Criminal record' means any of the following which have reached final disposition
- 15 within ten years of the date the criminal record check is conducted:
- 16 (A) Conviction of a crime;
- 17 (B) Arrest, charge, and sentencing for a crime where:
- 18 (i) A plea of nolo contendere was entered to the charge;
- 19 (ii) First offender treatment without adjudication of guilt pursuant to the charge was
- 20 granted; or
- 21 (iii) Adjudication or sentence was otherwise withheld or not entered on the charge;
- 22 or
- 23 (C) Arrest and charges for a crime if the charge is pending, unless the time for
- 24 prosecuting such crime has expired pursuant to Chapter 3 of Title 17.
- 25 (4) 'Employment applicant' means any person seeking employment by a nursing home.
- 26 This term shall not include persons employed by the nursing home prior to July 1, 1995.
- 27 (5) 'GCIC' means the Georgia Crime Information Center established under Article 2 of
- 28 Chapter 3 of Title 35.
- 29 (6) 'Nursing home' or 'home' means a home required to be licensed or permitted as a
- 30 nursing home under the provisions of this chapter.
- 31 (7) 'Satisfactory determination' means a written determination by a nursing home that
- 32 a person for whom a record check was performed was found to have no criminal record.
- 33 (8) 'Unsatisfactory determination' means a written determination by a nursing home that
- 34 a person for whom a record check was performed was found to have a criminal record."

