

Senate Bill 200

By: Senators Collins of the 6th, Brown of the 26th, Price of the 56th, Johnson of the 1st and Thompson of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the
2 commissioner, Department, and Board of Human Resources, so as to permit the department
3 to obtain conviction data that is relevant to any adult who has contact with a child who is the
4 subject of a protective services referral, complaint, or investigation; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the
9 commissioner, Department, and Board of Human Resources, is amended by striking
10 subsections (b) and (d) of Code Section 49-2-14, relating to record search for conviction data
11 on prospective employees, and inserting in their respective places the following:

12 "(b) The department may receive from any law enforcement agency conviction data that
13 is relevant to a person whom the department, its contractors, or a district or county health
14 agency is considering as a final selectee for employment in a position the duties of which
15 involve direct care, treatment, custodial responsibilities, or any combination thereof for its
16 clients. The department may also receive conviction data which is relevant to a person
17 whom the department, its contractors, or a district or county health agency is considering
18 as a final selectee for employment in a position if, in the judgment of the employer, a final
19 employment decision regarding the selectee can only be made by a review of conviction
20 data in relation to the particular duties of the position and the security and safety of clients,
21 the general public, or other employees. Further, the department or any licensed
22 child-placing agency, designated by the department to assist it in preparing studies of
23 homes in which children in its custody may be placed, may receive from any law
24 enforcement agency conviction data that is relevant to any adult person who resides in a
25 home where children in the custody of the department may be placed. In addition, the
26 department may receive from any law enforcement agency conviction data that is relevant

1 to any adult person who the department has reason to believe has contact with a child who
2 is the subject of a child protective services referral, complaint, or investigation."

3 "(d) All conviction data received shall be for the exclusive purpose of making employment
4 decisions or ~~placement~~ decisions concerning children in the custody of the department; or
5 who are the subjects of a child protective services referral, complaint, or investigation and
6 shall be privileged and shall not be released or otherwise disclosed to any other person or
7 agency except to any person or agency with a legal right to inspect the employment,
8 department, or licensed child-placing agency file. Immediately following the employment
9 decisions or upon receipt of the conviction data concerning any adult person who has
10 contact with a child who is the subject of a child protective services referral, complaint, or
11 investigation or who resides in a home where children in the custody of the department
12 may be placed, all such conviction data collected by the department or the licensed
13 child-placing agency shall be maintained by the department or child-placing agency
14 pursuant to laws regarding and the rules or regulations of the Federal Bureau of
15 Investigation and the Georgia Crime Information Center, as is applicable. Penalties for the
16 unauthorized release or disclosure of any conviction data shall be as prescribed pursuant
17 to laws regarding and rules or regulations of the Federal Bureau of Investigation and the
18 Georgia Crime Information Center, as is applicable."

19 **SECTION 2.**

20 All laws and parts of laws in conflict with this Act are repealed.