

Senate Bill 198

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

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to the Georgia Crime Information Center, so as to authorize national background
3 checks on providers of care to children, the elderly, and persons with disabilities, including
4 but not limited to volunteers with youth sports organizations and other youth activities; to
5 state legislative findings; to define terms; to provide for conformity with federal law; to
6 provide for a publicity program; to provide for rules and regulations; to provide for fees; to
7 provide for related matters; to provide an effective date; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
11 Georgia Crime Information Center, is amended by adding a new Code Section 35-3-34.1 to
12 read as follows:

13 "35-3-34.1.

14 (a) The General Assembly finds that existing federal law allows certain qualified entities
15 to obtain national background checks on providers of care to children, the elderly, and
16 persons with disabilities, including but not limited to volunteers with youth sports
17 organizations and other youth activities. However, such provisions of federal law have not
18 been implemented in the State of Georgia. It is the purpose of this Code section to
19 authorize and facilitate, but not require, such qualified entities to obtain national
20 background checks as authorized by federal law.

21 (b) As used in this Code section, the term:

22 (1) 'Care' means the provision of care, treatment, education, training, instruction,
23 supervision, or recreation to children, the elderly, or individuals with disabilities.

24 (2) 'Provider' means:

25 (A) A person who:

1 (i) Is employed by or volunteers with a qualified entity (including an individual who
 2 is employed by a school in any capacity, including as a child care provider, a teacher,
 3 or another member of school personnel);

4 (ii) Who owns or operates a qualified entity; or

5 (iii) Who has or may have unsupervised access to a child to whom the qualified entity
 6 provides child care; and

7 (B) A person who:

8 (i) Seeks to be employed by or volunteer with a qualified entity (including an
 9 individual who seeks to be employed by a school in any capacity, including as a child
 10 care provider, a teacher, or another member of school personnel);

11 (ii) Seeks to own or operate a qualified entity; or

12 (iii) Seeks to have or may have unsupervised access to a child to whom the qualified
 13 entity provides child care.

14 (3) 'Qualified entity' means a business or organization, whether public, private, for
 15 profit, not for profit, or voluntary, that provides care or care placement services,
 16 including a business or organization that licenses or certifies others to provide care or
 17 care placement services.

18 (c) The Georgia Crime Information Center and all criminal justice agencies of this state
 19 and its political subdivisions shall promptly implement procedures to allow qualified
 20 entities to request a nation-wide background check for the purpose of determining whether
 21 a provider has been convicted of a crime that bears upon the provider's fitness to have
 22 responsibility for the safety and well-being of children, the elderly, or individuals with
 23 disabilities, as authorized under Section 3 of the federal National Child Protection Act of
 24 1993, as amended, 42 U.S.C.S. Section 5119(a). The council is empowered to adopt rules,
 25 regulations, and forms necessary to implement this Code section. The procedures adopted
 26 under this Code section shall conform with the requirements of federal law and the
 27 guidelines provided in federal law, as specified in 42 U.S.C.S. Section 5119(a).

28 (d) The center shall undertake a program to publicize the availability of nation-wide
 29 background checks as provided for in this Code section.

30 (e) The total fees charged for a nation-wide background check as provided for in this Code
 31 section shall not exceed the \$18.00 limit specified by federal law.

32 (f) The provisions of the Code section shall be supplementary to and not in place of any
 33 other law of this state which authorizes or requires background checks."

34 SECTION 2.

35 This Act shall become effective upon its approval by the Governor or upon its becoming law
 36 without such approval.

1 **SECTION 3.**

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