

House Bill 180

By: Representatives Manning of the 32nd, Benton of the 31st, Byrd of the 20th, Talton of the 145th, and Benfield of the 85th

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 Department of Human Resources, so as to permit the department to obtain criminal history
3 information from adult persons who reside in a home where a child in the custody of the
4 department has been or may be placed or who provide care to a child who is the subject of
5 a child protective services referral, complaint, or investigation; to permit the department to
6 obtain criminal history information based on a name only for a child to be placed under
7 exigent circumstances; to provide for the establishment of a uniform method of obtaining
8 criminal history information; to permit the department to obtain criminal history information
9 based on a name only from the Georgia Crime Information Center; to provide for related
10 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to the Department
14 of Human Resources, is amended by striking subsection (b) of Code Section 49-2-14,
15 relating to record search for conviction data on prospective employees, and inserting in its
16 place the following:

17 "(b) The department may receive from any law enforcement agency conviction data that
18 is relevant to a person whom the department, its contractors, or a district or county health
19 agency is considering as a final selectee for employment in a position the duties of which
20 involve direct care, treatment, custodial responsibilities, or any combination thereof for its
21 clients. The department may also receive conviction data which is relevant to a person
22 whom the department, its contractors, or a district or county health agency is considering
23 as a final selectee for employment in a position if, in the judgment of the employer, a final
24 employment decision regarding the selectee can only be made by a review of conviction
25 data in relation to the particular duties of the position and the security and safety of clients,
26 the general public, or other employees. Further, the department or any licensed

1 child-placing agency, designated by the department to assist it in preparing studies of
 2 homes in which children in its custody may be placed, may receive from any law
 3 enforcement agency conviction data that is relevant to any adult person who resides in a
 4 home where children in the custody of the department may be placed. ~~In addition, the~~
 5 ~~department may receive from any law enforcement agency conviction data that is relevant~~
 6 ~~to any adult person who the department has reason to believe has contact with a child who~~
 7 ~~is the subject of a child protective services referral, complaint, or investigation."~~

8 SECTION 2.

9 Said Code section is further amended by adding at the end thereof new subsections (g) and
 10 (h) to read as follows:

11 "(g) The department may receive from any law enforcement agency criminal history
 12 information, including arrest and conviction data, and any and all other information which
 13 it may be provided pursuant to state or federal law which is relevant to any adult person
 14 who resides in a home where children in the custody of the department have been or may
 15 be placed or which is relevant to any adult person who provides care to a child who is the
 16 subject of a child protective services referral, complaint, or investigation to the fullest
 17 extent permissible by federal and state law, including but not limited to Public Law 92-544.
 18 The department shall establish a uniform method of obtaining criminal history information
 19 under this subsection. Such method shall require the submission to the Georgia Crime
 20 Information Center of two complete sets of fingerprints cards together with any required
 21 records search fee. Upon receipt thereof, the Georgia Crime Information Center shall
 22 promptly transmit one set of the fingerprints submitted by the department to the Federal
 23 Bureau of Investigation for a search of bureau records and an appropriate report and shall
 24 retain the other set and promptly conduct a search of its own records and records to which
 25 it has access. Such method shall also permit the submission of the names of such adult
 26 persons, alone, to the proper law enforcement agency when the department is considering
 27 placement of a child in exigent circumstances for a name based check of such adult
 28 person's criminal history information as maintained by the Georgia Crime Information
 29 Center and the Federal Bureau of Investigation. In such exigent circumstances, the
 30 department will submit two complete sets of fingerprint cards of those adult persons in the
 31 placement home, together with any required records search fee, to the Georgia Crime
 32 Information Center within 15 calendar days of the date of the name based check on that
 33 person; and the Georgia Crime Information Center shall transmit one set of fingerprint
 34 cards to the Federal Bureau of Investigation and retain the other set and promptly conduct
 35 a search of its own records and records to which it has access in the manner set out above
 36 in this subsection. In the event that a child has been placed in exigent circumstances, a

1 name based records search has been requested for any adult person of the placement
2 household, and that adult refuses to provide fingerprints after being requested to do so by
3 the department, the child will be immediately removed from the placement household by
4 the department, provided that the child is in the custody of the department. The Georgia
5 Crime Information Center shall notify the department in writing of any derogatory finding,
6 including but not limited to any criminal history information or any other derogatory
7 information regarding the name searched, exigent circumstances, or the fingerprint cards
8 or if there is no such finding.

9 (h) Further, the department shall be authorized to conduct a name/descriptor based check
10 of any adult person's criminal history information, including arrest and conviction data,
11 and other information from the Georgia Crime Information Center regarding any adult
12 person who resides in a home where children in the custody of the department have been
13 or may be placed or which is relevant to any adult person who provides care to a child who
14 is the subject of a child protective services referral, complaint, or investigation without the
15 consent of such adult person and without fingerprint comparison to the fullest extent
16 permissible by federal and state law."

17 **SECTION 3.**

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

20 **SECTION 4.**

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