

House Bill 1335

By: Representatives Day of the 163rd, Crawford of the 127th, Amerson of the 9th, Horne of the 71st, Hanner of the 148th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-3-34.1 of the Official Code of Georgia Annotated, relating to the
2 circumstances when an exonerated first offender's criminal record may be disclosed, so as
3 to permit state or local law enforcement units to review first offender record information
4 when hiring a law enforcement officer; to amend Code Section 42-8-63.1 of the Official
5 Code of Georgia Annotated, relating to first offender probation discharges that disqualify
6 individuals from employment, so as to permit consideration of such a discharge when
7 employing a law enforcement officer; to change certain provisions relating to the
8 disqualification of individuals from employment based on first offender probation discharge
9 information and the disclosure of exonerated first offender records; 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 Code Section 35-3-34.1 of the Official Code of Georgia Annotated, relating to the
14 circumstances when an exonerated first offender's criminal record may be disclosed, is
15 amended by striking "or" from the end of paragraph (3), by striking the period and inserting
16 in its place "; or" at the end of paragraph (4), and by inserting a new paragraph (5) to read
17 as follows:

18 "(5) The request for information is an inquiry about a person who is an applicant,
19 candidate, or peace officer as defined in Code Section 35-8-2, and the person who is the
20 subject of the inquiry to the center was prosecuted for a felony or crime involving moral
21 turpitude."

22 style="text-align:center">**SECTION 2.**

23 Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to first offender
24 probation discharges that disqualify individuals from employment, is amended by striking

1 "or" from the end of paragraph (3), by striking the period and inserting in its place "; or" at
2 the end of paragraph (4), and by inserting a new paragraph (5) to read as follows:

3 "(5) The employment is with a state or local law enforcement unit as an applicant,
4 candidate, or peace officer as defined in Code Section 35-8-2 and the defendant was
5 discharged under this article after prosecution for a felony offense or a crime involving
6 moral turpitude."

7 **SECTION 3.**

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

10 **SECTION 4.**

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