

House Bill 1335 (AS PASSED HOUSE AND SENATE)

By: Representatives Day of the 163<sup>rd</sup>, Crawford of the 127<sup>th</sup>, Amerson of the 9<sup>th</sup>, Horne of the 71<sup>st</sup>, Hanner of the 148<sup>th</sup>, 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 authorize state or local law enforcement units and the Georgia Peace Officer Standards and  
4 Training Council to review first offender record information when hiring a law enforcement  
5 officer for a certified position or otherwise review the criminal history of applicants,  
6 candidates, or peace officers; to amend Code Section 42-8-63.1 of the Official Code of  
7 Georgia Annotated, relating to first offender probation discharges that disqualify individuals  
8 from employment, so as to permit consideration of such a discharge when employing a law  
9 enforcement officer for a certified position or when considering an applicant, candidate, or  
10 peace officer's certification status; to change certain provisions relating to the  
11 disqualification of individuals from employment based on first offender probation discharge  
12 information and the disclosure of exonerated first offender records; to provide for related  
13 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Code Section 35-3-34.1 of the Official Code of Georgia Annotated, relating to the  
17 circumstances when an exonerated first offender's criminal record may be disclosed, is  
18 amended by designating the existing provisions as subsection (a) and inserting a new  
19 subsection (b) to read as follows:

20 "(b) First offender records including records of arrests, charges, or sentences may be  
21 released to any law enforcement unit and the Georgia Peace Officer Standards and Training  
22 Council where the request for information is an inquiry about a person who has applied for  
23 employment in a certified position or a person who is an applicant, candidate, or peace  
24 officer as defined in Code Section 35-8-2."

**SECTION 2.**

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2 Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to first offender  
3 probation discharges that disqualify individuals from employment, is amended by  
4 designating the existing provisions as subsection (a) and inserting a new subsection (b) to  
5 read as follows:

6 "(b) Any discharge under this article may be used to disqualify a person from acquiring or  
7 maintaining a peace officer certification as provided for in Chapter 8 of Article 35 and also  
8 may disqualify a person from employment in a certified position with a law enforcement  
9 unit where the discharge under this article pertained to a felony offense or a crime  
10 involving moral turpitude."

**SECTION 3.**

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

**SECTION 4.**

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