

Senate Bill 62

By: Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Seay of the 34th, Carter of the 13th and Staton of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-3-35 of the Official Code of Georgia Annotated, relating to
2 disclosure and dissemination of records by the Georgia Crime Information Center to public
3 agencies and political subdivisions and responsibility and liability of the issuing center, so
4 as to provide certain conditions for requesting criminal history records; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Code Section 35-3-35 of the Official Code of Georgia Annotated, relating to disclosure and
9 dissemination of records by the Georgia Crime Information Center to public agencies and
10 political subdivisions and responsibility and liability of the issuing center, is amended by
11 revising paragraph (1) of subsection (a) as follows:

12 "(1) Make criminal history records maintained by the center available to public agencies,
13 political subdivisions, authorities, and instrumentalities, including state or federal
14 licensing and regulatory agencies or their designated representatives, under the following
15 conditions:

16 (A) Public agencies or political subdivisions shall, at the time of the request, provide
17 the fingerprints of the person whose records are requested in such manner prescribed
18 by the center, which may include the electronic imaging of a person's fingerprints, or
19 provide a signed consent of the person whose records are requested on a form
20 prescribed by the center which shall include such person's full name, address, social
21 security number, and date of birth; provided, however, that the provisions of this
22 paragraph shall supersede any other provision relating to the submission of fingerprints
23 to the center;

24 (B) The center may not provide records of arrests, charges, or sentences for crimes
25 relating to first offenders pursuant to Article 3 of Chapter 8 of Title 42 in cases where

1 offenders have been exonerated and discharged without court adjudications of guilt,
2 except as specifically authorized by Code Section 35-3-34.1 or other law; and
3 (C) When the identifying information provided is sufficient to identify persons whose
4 records are requested electronically, the center may disseminate electronically criminal
5 history records of in-state felony convictions, pleas, and sentences without:
6 (i) Fingerprint comparison; or
7 (ii) Consent of the person whose records are requested;"

8 **SECTION 2.**

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