

House Bill 850 (COMMITTEE SUBSTITUTE)

By: Representatives Harrell of the 106<sup>th</sup>, Willard of the 49<sup>th</sup>, Oliver of the 83<sup>rd</sup>, and Holcomb of the 82<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward,  
2 so as to provide for matters relevant to guardians generally; to provide for an exemption from  
3 liability for persons who comply with a Physician Order for Life-sustaining Treatment; to  
4 provide for criminal background checks for persons seeking to become a guardian or  
5 conservator; to provide for a definition; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is  
10 amended by revising subsection (k) of Code Section 29-4-18, relating to definitions,  
11 requirements, and termination of temporary medical consent guardianship, by adding a new  
12 paragraph to read as follows:

13 "(3) Any person who acts in good faith in accordance with a Physician Order for  
14 Life-sustaining Treatment developed pursuant to subsection (l) of this Code section shall  
15 have all of the immunity granted pursuant to Code Section 31-32-10."

16 **SECTION 2.**

17 Said title is further amended by adding a new Code section to read as follows:

18 "29-9-19.

19 (a) As used in this Code section, the term 'criminal history record information' means  
20 information collected by criminal justice agencies on individuals consisting of identifiable  
21 descriptions and notations of arrests, detentions, indictments, accusations, information, or  
22 other formal charges, and any disposition arising therefrom, sentencing, correctional  
23 supervision, and release.

24 (b) The court may require a petitioner seeking to become a guardian or conservator, or a  
25 nominated guardian or conservator if such person is different from the petitioner, to submit

26 to a criminal history records check. The petitioner or nominee shall submit his or her  
27 fingerprints to the Georgia Crime Information Center with the appropriate fee. The  
28 Georgia Crime Information Center shall promptly transmit the fingerprints to the Federal  
29 Bureau of Investigation for a search of its records and shall obtain a report containing  
30 criminal history record information. The Georgia Crime Information Center shall also  
31 promptly conduct a search of its records and any records to which it has access. The  
32 Georgia Crime Information Center shall provide a report of the petitioner's or nominee's  
33 criminal history record information to the court for its consideration in determining the  
34 suitability of the petitioner or nominee to serve as a guardian or conservator."

35 **SECTION 3.**

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