

The House Committee on Public Safety & Homeland Security offers the following substitute to HB 247:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated,
2 relating to emergency medical services personnel, so as to authorize the Department of
3 Community Health to provide for an exemption from background checks of applicants for
4 licensure to be emergency medical services personnel when the applicants are currently
5 certified firefighters employed with a fire department; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
10 emergency medical services personnel, is amended by revising Code Section 31-11-51,
11 relating to certification and recertification of emergency medical technicians, as follows:

12 "31-11-51.

13 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
14 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,
15 regardless of whether an appeal of the conviction has been sought.

16 (b) The board shall, by regulation, authorize the department to establish procedures and
17 standards for the licensing of emergency medical services personnel. The department shall
18 succeed to all rules and regulations, policies, procedures, and administrative orders of the
19 composite board which were in effect on December 31, 2001, and which relate to the
20 functions transferred to the department by this chapter. Such rules, regulations, policies,
21 procedures, and administrative orders shall remain in effect until amended, repealed,
22 superseded, or nullified by proper authority or as otherwise provided by law.

23 (c) In reviewing applicants for initial licensure of emergency medical services personnel,
24 the department shall be authorized pursuant to this Code section to obtain conviction data
25 with respect to such applicants for the purposes of determining the suitability of the
26 applicant for licensure.

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27 (d) The department shall by rule or regulation establish a procedure for requesting a
28 fingerprint based criminal history records check from the center and the Federal Bureau of
29 Investigation. Fingerprints shall be in such form and of such quality as prescribed by the
30 center and under standards adopted by the Federal Bureau of Investigation. Fees may be
31 charged as necessary to cover the cost of the records search. Upon receipt thereof, the
32 center shall promptly cause such criminal records search to be conducted. The center shall
33 notify the department in writing of any finding of disqualifying information, including, but
34 not limited to, any conviction data regarding the fingerprint records check, or if there is no
35 such finding.

36 (e) Firefighters certified by the Georgia Firefighter Standards and Training Council who
37 are employed with a local fire department and who have, as a condition of certification or
38 employment, obtained a criminal history records check from the center and the Federal
39 Bureau of Investigation within the last five years shall not be required to obtain an
40 additional criminal history records check in order to be licensed as emergency medical
41 services personnel. The department, however, may require that, as a part of the application
42 process, the chief of the employing local fire department submit a letter or other document
43 verifying that the applicant is employed with the local fire department and has obtained a
44 criminal history records check from the center and the Federal Bureau of Investigation.

45 ~~(e)~~(f) Conviction data received by the department shall be privileged and shall not be a
46 public record or disclosed to any person. Conviction data shall be maintained by the
47 department pursuant to laws regarding such records and the rules and regulations of the
48 center and the Federal Bureau of Investigation. Penalties for the unauthorized release or
49 disclosure of conviction data shall be as prescribed by law or rule or regulation of the
50 center or Federal Bureau of Investigation.

51 ~~(f)~~(g) The center, the department, or any law enforcement agency, or the employees of any
52 such entities, shall neither be responsible for the accuracy of information provided pursuant
53 to this Code section nor be liable for defamation, invasion of privacy, negligence, or any
54 other claim relating to or arising from the dissemination of information pursuant to this
55 Code section."

56 **SECTION 2.**

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