

The Senate Health and Human Services Committee offered the following substitute to HB 247:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 4 of Title 25 of the Official Code of Georgia Annotated,
2 relating to general provisions for firefighter standards and training, so as to provide for the
3 automatic termination of the certification of a firefighter convicted of a felony; to amend
4 Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
5 emergency medical services personnel, so as to provide that the Department of Public Health
6 shall accept criminal history background checks of applicants for certification from state and
7 local law enforcement agencies; to provide for related matters; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Article 1 of Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to
11 general provisions for firefighter standards and training, is amended by revising subsection
12 (b) and paragraph (1) of subsection (c) of Code Section 25-4-8, relating to qualifications of
13 firefighters generally, as follows:
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15 "~~(b) For the purposes of paragraph (2) of subsection (a) of this Code section, a person shall~~
16 be deemed to have been convicted of a crime if such person shall have pleaded guilty to
17 a charge thereof before a court or federal magistrate or shall have been found guilty thereof
18 by the decision or judgment of a court or federal magistrate or by the verdict of a jury,
19 irrespective of the pronouncement of sentence or the suspension thereof, unless such plea
20 of guilty or such decision, judgment, or verdict shall have been set aside, reversed, or
21 otherwise abrogated by lawful judicial process or unless the person convicted of the crime
22 shall have received a pardon therefor from the President of the United States or the
23 governor or other pardoning authority in the jurisdiction where the conviction was had or
24 shall have received a certificate of good conduct granted by the State Board of Pardons and
25 Paroles pursuant to the provisions of law to remove a disability under law because of such

26 conviction. Any person convicted of a felony while he or she is a certified firefighter shall
 27 have his or her certification revoked.

28 (c)(1) For the purposes of making determinations relating to eligibility under ~~paragraph~~
 29 ~~(2) of subsection (a) of this Code section~~, a local fire department shall provide
 30 information relative to prospective employees to the local law enforcement agency and
 31 a state fire department shall provide information relative to prospective employees to a
 32 state law enforcement agency. Such local or state law enforcement agency shall be
 33 authorized to obtain conviction data with respect to such prospective employees of a local
 34 or state fire department as authorized in this subsection. The local or state law
 35 enforcement agency shall submit to the Georgia Crime Information Center two complete
 36 sets of fingerprints of the applicant for appointment or employment, the required records
 37 search fees, and such other information as may be required. Upon receipt thereof, the
 38 Georgia Crime Information Center shall promptly transmit one set of fingerprints to the
 39 Federal Bureau of Investigation for a search of bureau records and an appropriate report
 40 and shall retain the other set and promptly conduct a search of its own records and
 41 records to which it has access. The Georgia Crime Information Center shall notify the
 42 local or state law enforcement agency in writing of any derogatory finding, including, but
 43 not limited to, any conviction data regarding the fingerprint records check or if there is
 44 no such finding. All conviction data received by the local or state law enforcement
 45 agency shall not be a public record, shall be privileged, and shall not be disclosed to any
 46 other person or agency except as provided in this subsection and except to any person or
 47 agency which otherwise has a legal right to inspect the employment file. All such records
 48 shall be maintained by the local or state law enforcement agency pursuant to laws
 49 regarding such records and the rules and regulations of the Federal Bureau of
 50 Investigation and the Georgia Crime Information Center, as applicable. As used in this
 51 subsection, 'conviction data' means a record of a finding or verdict of guilty or plea of
 52 guilty or plea of nolo contendere with regard to any crime, regardless of whether an
 53 appeal of the conviction has been sought."

54 **SECTION 2.**

55 Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
 56 emergency medical services personnel, is amended by revising subsections (d) and (e) of
 57 Code Section 31-11-51, relating to certification and recertification of emergency medical
 58 technicians, as follows:

59 "(d) The department shall by rule or regulation, consistent with the requirements of this
 60 paragraph, establish a procedure for requesting a fingerprint based criminal history records
 61 check from the center and the Federal Bureau of Investigation. Fingerprints shall be in

62 such form and of such quality as prescribed by the center and under standards adopted by
63 the Federal Bureau of Investigation. Fees may be charged as necessary to cover the cost
64 of the records search. The department may require that fees for criminal history records
65 checks be paid at the time a criminal history records check is requested by an applicant and
66 that such fees are paid to the entity processing his or her request. An applicant is
67 authorized to obtain, and the department shall accept, a criminal history records check
68 requested through a state or local law enforcement agency or through a private vendor
69 approved by the department. Upon receipt thereof, the center shall promptly cause such
70 criminal records search to be conducted. The center shall notify the department in writing
71 of any finding of disqualifying information, including, but not limited to, any conviction
72 data regarding the fingerprint records check, or if there is no such finding.

73 (e) Conviction data received by the department or a state or local law enforcement agency
74 shall be privileged and shall not be a public record or disclosed to any person. Conviction
75 data shall be maintained by the department and the state or local law enforcement pursuant
76 to laws regarding such records and the rules and regulations of the center and the Federal
77 Bureau of Investigation. Penalties for the unauthorized release or disclosure of conviction
78 data shall be as prescribed by law or rule or regulation of the center or Federal Bureau of
79 Investigation."

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SECTION 3.

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