

Senate Bill 207

By: Senators Albers of the 56th, Stone of the 23rd, McKoon of the 29th, Shafer of the 48th, Unterman of the 45th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated,
2 relating to probation of first offenders, so as to add private home care providers to the list of
3 persons who may be disqualified from employment when discharged as a felony offender
4 under a first offender plea; to provide for related matters; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
9 probation of first offenders, is amended by revising Code Section 42-8-63.1, relating to
10 discharges under a first offender plea may disqualify individuals from employment, as
11 follows:

12 "42-8-63.1.

13 (a) A discharge under this article may be used to disqualify a person for employment if:

14 (1) The offender was discharged under this article on or after July 1, 2004; and either

15 (2) The employment is with a public school, private school, child welfare agency, or a
16 person or entity that provides day care for minor children or after school care for minor
17 children and the defendant was discharged under this article after prosecution for the
18 offense of child molestation, sexual battery, enticing a child for indecent purposes, sexual
19 exploitation of a child, pimping, pandering, or incest;

20 (3) The employment is with a nursing home, assisted living community, personal care
21 home, private home care provider, or a person or entity that offers day care for elderly
22 persons and the defendant was discharged under this article after prosecution for the
23 offense of sexual battery, incest, pimping, pandering, or a violation of Code Section
24 30-5-8; or

25 (4) The request for information is an inquiry about a person who has applied for
26 employment with a facility as defined in Code Section 37-3-1 or 37-4-2 that provides
27 services to persons who are mentally ill as defined in Code Section 37-1-1 or

28 developmentally disabled as defined in Code Section 37-1-1, and the person who is the
29 subject of the inquiry to the center was prosecuted for the offense of sexual battery,
30 incest, pimping, or pandering.

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

36 **SECTION 2.**

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

39 **SECTION 3.**

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