

The House Committee on Judiciary Non-civil offers the following substitute to SB 207:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-8-51 of the Official Code of Georgia Annotated, relating to  
2 definitions relative to the long-term care ombudsman program, so as to change a definition;  
3 to amend Code Sections 35-3-34.1 and 42-8-63.1 of the Official Code of Georgia Annotated,  
4 relating to circumstances when exonerated first offender's criminal record may be disclosed  
5 and discharging disqualifying individuals from employment, respectively, so as to provide  
6 for conforming cross-references; to provide for conforming amendments if HB 78 is enacted  
7 during the 2013-2014 biennium of the General Assembly; to provide for related matters; to  
8 provide an effective date; to provide for conditional automatic repeal; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

**SECTION 1-1.**

13 Code Section 31-8-51 of the Official Code of Georgia Annotated, relating to definitions  
14 relative to the long-term care ombudsman program, is amended by revising paragraph (2) as  
15 follows:

16 "(2) 'Long-term care facility' means any skilled nursing home, intermediate care home,  
17 private home care provider, assisted living community, or personal care home now or  
18 hereafter subject to regulation and licensure by the Department of Community Health."

**SECTION 1-2.**

20 Code Section 35-3-34.1, relating to circumstances when exonerated first offender's criminal  
21 record may be disclosed, is amended by revising paragraph (2) of subsection (a) as follows:

22 "(2) The request for information is an inquiry about a person who has applied for  
23 employment with a ~~nursing home, assisted living community, personal care home,~~  
24 long-term care facility as defined in Code Section 31-8-51 or a person or entity that offers

25 day care for elderly persons and the person who is the subject of the inquiry to the center  
 26 was prosecuted for the offense of sexual battery, incest, pimping, pandering, or a  
 27 violation of Code Section 30-5-8; or"

28 **SECTION 1-3.**

29 Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to discharging  
 30 disqualifying individuals from employment, is amended by revising paragraph (3) of  
 31 subsection (a) as follows:

32 "(3) The employment is with a ~~nursing home, assisted living community, personal care~~  
 33 ~~home; long-term care facility as defined in Code Section 31-8-51~~ or a person or entity  
 34 that offers day care for elderly persons and the defendant was discharged under this  
 35 article after prosecution for the offense of sexual battery, incest, pimping, pandering, or  
 36 a violation of Code Section 30-5-8; or"

37 **PART II**

38 **SECTION 2-1.**

39 Code Section 31-8-51 of the Official Code of Georgia Annotated, relating to definitions  
 40 relative to the long-term care ombudsman program, is amended by revising paragraph (2) as  
 41 follows:

42 "(2) 'Long-term care facility' means any skilled nursing home, intermediate care home,  
 43 private home care provider, assisted living community, or personal care home now or  
 44 hereafter subject to regulation and licensure by the Department of Community Health."

45 **SECTION 2-2.**

46 Code Section 35-3-34.1, relating to circumstances when exonerated first offender's criminal  
 47 record may be disclosed, is amended by revising paragraph (2) of subsection (a) as follows:

48 "(2) The request for information is an inquiry about a person who has applied for  
 49 employment with a ~~nursing home, assisted living community, personal care home,~~  
 50 long-term care facility as defined in Code Section 31-8-51 or a person or entity that offers  
 51 day care for elderly persons and the person who is the subject of the inquiry to the center  
 52 was prosecuted for the offense of sexual battery, incest, pimping, pandering, or a  
 53 violation of ~~Code Section 30-5-8~~ Article 8 of Chapter 5 of Title 16; or"

54 **SECTION 2-3.**

55 Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to discharging  
 56 disqualifying individuals from employment, is amended by revising paragraph (3) of  
 57 subsection (a) as follows:

58 "(3) The employment is with a ~~nursing home, assisted living community, personal care~~  
 59 ~~home, long-term care facility as defined in Code Section 31-8-51~~ or a person or entity  
 60 that offers day care for elderly persons and the defendant was discharged under this  
 61 article after prosecution for the offense of sexual battery, incest, pimping, pandering, or  
 62 a violation of ~~Code Section 30-5-8~~ Article 8 of Chapter 5 of Title 16; or"

63 **PART III**64 **SECTION 3-1.**

65 (a) This Act shall become effective on July 1, 2013, except as otherwise provided by  
 66 subsection (b) of this section.

67 (b)(1) Part II of this Act shall become effective only if HB 78, substantially revising and  
 68 expanding protections to disabled adults, elder persons, and residents of long-term care  
 69 facilities, is enacted during the 2013-2014 biennium of the General Assembly and  
 70 becomes law on or before July 1, 2013.

71 (2) Part I of this Act shall stand repealed if and when Part II of this Act becomes  
 72 effective as provided by paragraph (1) of this subsection.

73 (3) If said HB 78 does not become law on or before July 1, 2013, as provided by  
 74 paragraph (1) of this subsection, then Part II of this Act shall stand repealed on July 1,  
 75 2013.

76 **SECTION 3-2.**

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