

Senate Bill 70

By: Senators Hill of the 32nd, McKoon of the 29th and Bethel of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-38-7 of the Official Code of Georgia Annotated, relating to
2 licensing of armed employees, qualifications, continuing education, fingerprints, license card,
3 and suspension, so as to require that a criminal background check be performed prior to the
4 issuance of a license to an armed security guard; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 43-38-7 of the Official Code of Georgia Annotated, relating to licensing of
9 armed employees, qualifications, continuing education, fingerprints, license card, and
10 suspension, is amended by revising subsections (c) and (d) as follows:

11 "(c)(1) Except as otherwise provided in paragraph (2) of subsection (b) of this Code
12 section, upon being satisfied of the applicant's character, competency, and eligibility for
13 licensure, the board may license such applicant if he or she:

14 (A) Is at least 18 years of age;

15 (B) Is a citizen of the United States or a registered resident alien;

16 (C) Is of good moral character;

17 (D) ~~Has~~ After completion of a fingerprint based criminal history records check from
18 the Georgia Crime Information Center and Federal Bureau of Investigation,
19 demonstrates that he or she has not been convicted of a felony or any crime involving
20 the illegal use, carrying, or possession of a dangerous weapon or any crime involving
21 moral turpitude; provided, however, that, if the applicant has been convicted of such
22 crime, or has entered a plea of nolo contendere to such crime, or has entered a plea
23 pursuant to Article 3 of Chapter 8 of Title 42 or otherwise been granted first offender
24 treatment, the board may inquire into the nature of the crime, the date of conviction or
25 plea, and other underlying facts and circumstances surrounding such criminal
26 proceedings and, in its discretion, may allow the applicant to be licensed;

27 (E) Has not committed an act constituting dishonesty or fraud; and

28 (F) Meets such other qualifications as the board may prescribe by rule.

29 (2) The board shall be authorized to require continuing education as a condition of
30 renewal for all persons required to be licensed or registered with the board under this
31 chapter. The board shall be authorized to promulgate rules and regulations addressing
32 the requirement for continuing education and circumstances for which a waiver of this
33 requirement may be granted.

34 (d) The license application shall be made under oath and on a form to be furnished by the
35 division director. The application shall state the applicant's full name, age, and date and
36 place of birth; residences and employment within the past five years; experience in the
37 position applied for or held; the date and place of conviction or arrest for any crime,
38 including the entry of a plea of nolo contendere or the entry of a plea entered pursuant to
39 Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such other
40 information as the board may require. The license application shall be accompanied by two
41 sets of fingerprints of the applicant and one photograph of the applicant, two inches wide
42 by three inches high, full face, and taken within six months prior to the application. The
43 board shall have discretion to deny a license to any individual when the information and
44 supporting documentation required by this subsection are not provided. The board shall
45 not issue a license under this Code section until a fingerprint based criminal history records
46 check from the Georgia Crime Information Center and Federal Bureau of Investigation has
47 been completed."

48 **SECTION 2.**

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