

Senate Bill 304

By: Senators Parent of the 42nd and Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to
2 disclosure and dissemination of criminal records to private persons and businesses, resulting
3 responsibility and liability of issuing center, and provision of certain information to the FBI
4 in conjunction with the National Instant Criminal Background Check System, so as to allow
5 for the preservation of a person's involuntary hospitalization information received by the
6 Georgia Crime Information Center; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and
11 dissemination of criminal records to private persons and businesses, resulting responsibility
12 and liability of issuing center, and provision of certain information to the FBI in conjunction
13 with the National Instant Criminal Background Check System, is amended by revising
14 paragraph (2) of subsection (e) as follows:

15 "(2) The records of the Georgia Crime Information Center shall include information as
16 to whether a person has been involuntarily hospitalized. Notwithstanding any other
17 provisions of law and in order to carry out the provisions of this Code section and Code
18 Section 16-11-172, the Georgia Crime Information Center shall be provided such
19 information and no other mental health information from the involuntary hospitalization
20 records of the probate courts concerning persons involuntarily hospitalized after
21 March 22, 1995, in a manner agreed upon by the Probate Judges Training Council and
22 the Georgia Bureau of Investigation to preserve the confidentiality of patients' rights in
23 all other respects. Further, notwithstanding any other provisions of law and in order to
24 carry out the provisions of this Code section and Code Section 16-11-172, the center shall
25 be provided information as to whether a person has been adjudicated mentally
26 incompetent to stand trial or not guilty by reason of insanity at the time of the crime, has
27 been involuntarily hospitalized, or both from the records of the clerks of the superior

28 courts concerning persons involuntarily hospitalized after March 22, 1995, in a manner
29 agreed upon by The Council of Superior Court Clerks of Georgia and the Georgia Bureau
30 of Investigation to preserve the confidentiality of patients' rights in all other respects.
31 ~~After five years have elapsed from the date that a person's involuntary hospitalization~~
32 ~~information has been received by the Georgia Crime Information Center, the center shall~~
33 ~~purge its records of such information as soon as practicable and in any event purge such~~
34 ~~records within 30 days after the expiration of such five-year period."~~

35 **SECTION 2.**

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