

House Bill 623

By: Representatives Welch of the 110th, Ballinger of the 23rd, Oliver of the 82nd, Quick of the 117th, and Dempsey of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the
2 powers and duties of the Georgia Crime Information Center, so as to allow the center to
3 retain fingerprints of certain individuals under certain circumstances and submit such
4 fingerprints to the Federal Bureau of Investigation; to provide for an exchange of information
5 to certain entities; to provide for removal of fingerprints under certain circumstances; to
6 provide for fees; to amend Titles 3, 7, 9, 10, 17, 19, 20, 25, 29, 31, 33, 35, 37, 38, 40, 42, 43,
7 and 49 of the Official Code of Georgia Annotated, relating to beverages, banking and
8 finance, civil practice, commerce and trade, criminal procedure, domestic relations,
9 education, fire protection and safety, guardian and ward, health, insurance, law enforcement
10 officers and agencies, mental health, military, emergency management, and veterans affairs,
11 motor vehicles and traffic, penal institutions, professions and businesses, and social services,
12 respectively, so as to allow the Georgia Bureau of Investigation and, as authorized, the
13 Federal Bureau of Investigation to retain fingerprints when an agency or entity is
14 participating in the bureau's program; to provide for related matters; to repeal conflicting
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **PART I**
18 **SECTION 1-1.**

19 Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the powers and
20 duties of the Georgia Crime Information Center, is amended by deleting "or" at the end of
21 subparagraph (a)(1)(D), by inserting "or" at the end of subparagraph (a)(1)(E), and by adding
22 a new subparagraph to read as follows:

23 "(F) Are individuals for whom fingerprint-based criminal history checks are authorized
24 by this state's or federal law for the purpose of determining suitability or fitness for
25 employment, placement, registration, a permit, or a license for an agency or qualified

26 entity which is participating in the federal program that allows an ongoing and
 27 continuing review of such individual's criminal history; provided, however, that such
 28 fingerprints shall be retained and maintained securely and separately from records
 29 relating to the identification of criminals, and provided, further, that the center shall not
 30 file or retain fingerprints submitted for the purpose of obtaining or renewing a weapons
 31 carry license, as such term is defined in Code Section 16-11-125.1;"

32 **SECTION 1-2.**

33 Said Code section is further amended in subsection (a) by deleting "and" at the end of
 34 paragraph (16), by replacing the period with a semicolon at the end of paragraph (17), and
 35 by adding three new paragraphs to read as follows:

36 "(18) Submit fingerprints obtained pursuant to subparagraph (F) of paragraph (1) of this
 37 subsection to the Federal Bureau of Investigation for retention under the rules established
 38 by the United States Department of Justice for processing and identification of records.
 39 Such fingerprints shall be searched by future submissions to the Federal Bureau of
 40 Investigation and the center shall send appropriate responses to submitting and
 41 subscribing entities;

42 (19) Remove fingerprints obtained pursuant to subparagraph (F) of paragraph (1) of this
 43 subsection within ten days of being notified that an individual whose fingerprints were
 44 retained under such program is no longer employed by, volunteering for, or licensed by
 45 the participating agency or qualified entity. It shall also remove such fingerprints when
 46 such agency or qualified entity is no longer participating in such program. The center
 47 shall also notify the Federal Bureau of Investigation of such information; and

48 (20) Be authorized to charge an annual subscriber fee not to exceed \$100.00 to any entity
 49 which is not a state agency that desires to participate in the program described in
 50 subparagraph (F) of paragraph (1) of this subsection."

51 **PART II**

52 **SECTION 2-1.**

53 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
 54 amended by adding a new subsection to Code Section 3-3-2, relating to powers of local
 55 governing authorities as to granting, refusal, suspension, or revocation of licenses generally,
 56 due process guidelines, and fingerprints, to read as follows:

57 "(d) If the local governing authority is participating in the program described in
 58 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and
 59 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained

60 pursuant to this Code section for such program and the local governing authority shall
 61 notify the individual whose fingerprints were taken of the parameters of such retention."

62 **SECTION 2-2.**

63 Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is
 64 amended by adding a new subsection to Code Section 7-1-684, relating to investigation of
 65 applicants for licensure and background checks on employees and others, to read as follows:

66 "(h) If the department is participating in the program described in subparagraph (a)(1)(F)
 67 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 68 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 69 section for such program and the department shall notify the individual whose fingerprints
 70 were taken of the parameters of such retention."

71 **SECTION 2-3.**

72 Said title is further amended by adding a new subsection to Code Section 7-1-703, relating
 73 to investigation of applicants and background checks of employees, to read as follows:

74 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
 75 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 76 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 77 section for such program and the department shall notify the individual whose fingerprints
 78 were taken of the parameters of such retention."

79 **SECTION 2-4.**

80 Said title is further amended by adding a new subsection to Code Section 7-1-1004, relating
 81 to investigation of applicant and its officers, audit, and education, experience, and other
 82 requirements relative to licensees and registrants, to read as follows:

83 "(s) If the department is participating in the program described in subparagraph (a)(1)(F)
 84 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 85 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 86 section for such program and the department shall notify the individual whose fingerprints
 87 were taken of the parameters of such retention."

88 **SECTION 2-5.**

89 Said title is further amended by adding a new subsection to Code Section 7-9-7, relating to
 90 investigation, approval or disapproval of charter application, "conviction data" defined,
 91 background checks, and impact of disapproval, to read as follows:

92 "(i) If the department is participating in the program described in subparagraph (a)(1)(F)
 93 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 94 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 95 section for such program and the department shall notify the individual whose fingerprints
 96 were taken of the parameters of such retention."

97 **SECTION 2-6.**

98 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
 99 revising subparagraph (b)(1)(A) and subsection (c) of Code Section 9-11-4.1, relating to
 100 certified process servers, as follows:

101 "(A) Has undergone a criminal record check based on fingerprints and has never been
 102 convicted of a felony or of impersonating a peace officer or other public officer or
 103 employee under Code Section 16-10-23. If the Judicial Council of Georgia is
 104 participating in the program described in subparagraph (a)(1)(F) of Code Section
 105 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain fingerprints
 106 obtained pursuant to this Code section for such program and the Judicial Council of
 107 Georgia shall notify the individual whose fingerprints were taken of the parameters of
 108 such retention;"

109 **"(c) Renewal and revocation of certification.** A certified process server shall be required
 110 to renew his or her certification every three years. Any certified process server failing to
 111 renew his or her certification shall no longer be approved to serve as a certified process
 112 server. At the time of renewal, the certified process server shall provide evidence that he
 113 or she has completed three annual five-hour courses of continuing education which courses
 114 have been approved by the Administrative Office of the Courts and has undergone an
 115 updated criminal record check, unless his or her fingerprints were retained under the
 116 program described in subparagraph (a)(1)(F) of Code Section 35-3-33. The certification
 117 of a process server may be revoked or suspended by a superior court judge for cause at any
 118 time. If a complaint has been filed by a sheriff alleging serious misconduct by the process
 119 server, such judge may suspend the certification for up to five business days while the
 120 matter is considered by the judge."

121 **SECTION 2-7.**

122 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 123 amended by adding a new subsection to Code Section 10-5-35, relating to application and
 124 consent to service of process, to read as follows:

125 "(g) If the commissioner is participating in the program described in subparagraph
 126 (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal

127 Bureau of Investigation shall be authorized to retain fingerprints obtained pursuant to this
128 Code section for such program and the commissioner shall notify the individual whose
129 fingerprints were taken of the parameters of such retention."

130 **SECTION 2-8.**

131 Said title is further amended by adding a new subsection to Code Section 10-9-9, relating to
132 officers of board, terms of officers, authority of officers, and compensation, to read as
133 follows:

134 "(f) If the board of governors is participating in the program described in
135 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and
136 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained
137 pursuant to this Code section for such program and the board of governors shall notify the
138 individual whose fingerprints were taken of the parameters of such retention."

139 **SECTION 2-9.**

140 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
141 amended by adding a new subsection to Code Section 17-6-50, relating to persons deemed
142 professional bondsmen and criminal background investigation information to be provided
143 to clerk of court, to read as follows:

144 "(e) If the sheriff is participating in the program described in subparagraph (a)(1)(F) of
145 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
146 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
147 section for such program and the sheriff shall notify the individual whose fingerprints were
148 taken of the parameters of such retention."

149 **SECTION 2-10.**

150 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
151 amended by adding a new subsection to Code Section 19-8-16, relating to investigation by
152 child-placing agency or other agent, to read as follows:

153 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
154 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
155 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
156 section for such program and the department shall notify the individual whose fingerprints
157 were taken of the parameters of such retention."

SECTION 2-11.

158

159 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
160 revising Code Section 20-1A-31, relating to records check application for potential
161 employees and fingerprint records checks, as follows:

162 "20-1A-31.

163 (a) A support center may furnish to the department a records check application for each
164 potential employee of any licensed, commissioned, or permitted early care and education
165 program. Before a person affiliated with a support center may become an employee of any
166 licensed, commissioned, or permitted early care and education program, such person shall
167 obtain a satisfactory FINGERPRINT records check determination. All potential
168 employees, excluding students currently enrolled in an early education curriculum through
169 an accredited school of higher education, may submit evidence, satisfactory to the
170 department, that such potential employee received a satisfactory fingerprint records check
171 determination that includes a records check clearance date that is no more than 12 months
172 old, or that any employee whose fingerprint records check revealed a criminal record of
173 any kind has either subsequently received a satisfactory fingerprint records check
174 determination or has had the unsatisfactory determination reversed in accordance with
175 Code Section 20-1A-43. A student currently enrolled in an early education curriculum
176 through an accredited school of higher education may submit evidence, satisfactory to the
177 department, that such student received a satisfactory fingerprint records check
178 determination that includes a records check clearance date that is no more than 24 months
179 old, or that such student whose fingerprint records check revealed a criminal record of any
180 kind has either subsequently received a satisfactory fingerprint records check determination
181 or has had the unsatisfactory determination reversed in accordance with Code Section
182 20-1A-43. The licensed, commissioned, or permitted early care and education program
183 shall maintain documentation in the employee's personnel file, which is available to the
184 department upon request, and which reflects that a satisfactory fingerprint records check
185 determination was received before the employee is allowed to reside in an early care and
186 education program or be present at an early care and education program while children are
187 present for care. If the fingerprint records check determination for any potential employee
188 reveals a criminal record of any kind, such potential employee shall not be allowed to
189 reside in an early care and education program or be present at an early care and education
190 program while children are present for care until such potential employee has either
191 obtained a satisfactory fingerprint records check determination or has had the
192 unsatisfactory fingerprint records check determination reversed in accordance with Code
193 Section 20-1A-43. If the fingerprint records check determination is unsatisfactory, the
194 licensed, commissioned, or permitted early care and education program shall, after

195 receiving notification of such unsatisfactory determination, take such steps as are necessary
 196 so that such person no longer resides in the early care and education program and no longer
 197 is present at an early care and education program while children are present for care. The
 198 time frames set forth in this subsection shall not apply when fingerprints have been retained
 199 by the department due to its participation in the program described in subparagraph
 200 (a)(1)(F) of Code Section 35-3-33.

201 (b) Notwithstanding the limited period of portability, every person affiliated with a support
 202 center as a potential employee of a licensed or commissioned early care and education
 203 program shall undergo additional fingerprint records checks such that the time between
 204 such additional fingerprint records checks and that person's previous fingerprint records
 205 check shall not exceed five years except when fingerprints have been retained by the
 206 department due to its participation in the program described in subparagraph (a)(1)(F) of
 207 Code Section 35-3-33.

208 (c) After the issuance of a registration, the department may require additional fingerprint
 209 records check determinations on any person affiliated with a support center during the
 210 course of a child abuse investigation involving such person or when the department has
 211 reason to believe such person has a criminal record that renders such person ineligible to
 212 reside at an early care and education program or be present at an early care and education
 213 program while children are present for care."

214 **SECTION 2-12.**

215 Said title is further amended by adding a new subsection to Code Section 20-1A-32, relating
 216 to program license or commission applicants, records check requirements, and change of
 217 ownership, to read as follows:

218 "(d) The time frames set forth in this Code section shall not apply when fingerprints have
 219 been retained by the department due to its participation in the program described in
 220 subparagraph (a)(1)(F) of Code Section 35-3-33."

221 **SECTION 2-13.**

222 Said title is further amended by revising subsection (b) of Code Section 20-1A-34, relating
 223 to check of fingerprints on national level, satisfactory determination prior to employment,
 224 and additional records checks, and adding a new subsection to read as follows:

225 "(b) Every potential employee of the department or contractor performing duties on behalf
 226 of the department who may have any reason to be present at a licensed or commissioned
 227 early care and education program while any child is present for care must receive a
 228 satisfactory fingerprint records check determination or have had an unsatisfactory
 229 fingerprint records check determination reversed in accordance with Code Section

230 20-1A-43 prior to being present at a licensed or commissioned early care and education
 231 program while children are present for care. Every current employee of the department
 232 who may have any reason to be present at a licensed or commissioned early care and
 233 education program while any child is present for care must receive a satisfactory fingerprint
 234 records check determination or have had an unsatisfactory fingerprint records check
 235 determination reversed in accordance with Code Section 20-1A-43. Every employee of the
 236 department shall undergo additional fingerprint records checks such that the time between
 237 such additional fingerprint records checks and that employee's previous fingerprint records
 238 check shall not exceed five years except when fingerprints have been retained by the
 239 department due to its participation in the program described in subparagraph (a)(1)(F) of
 240 Code Section 35-3-33. The department shall maintain documentation in the appropriate
 241 personnel file indicating that such person has obtained such current satisfactory fingerprint
 242 records check determination or has had an unsatisfactory fingerprint records check
 243 determination reversed in accordance with Code Section 20-1A-43.

244 (c) If the department is participating in the program described in subparagraph (a)(1)(F)
 245 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 246 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 247 section for such program and the department shall notify the individual whose fingerprints
 248 were taken of the parameters of such retention."

249 **SECTION 2-14.**

250 Said title is further amended by revising subsection (a) of Code Section 20-1A-38, relating
 251 to change of directors and records check requirements, as follows:

252 "(a) If the director of a licensed, commissioned, or permitted early care and education
 253 program ceases to be the director of that early care and education program, the license
 254 holder, commission holder, or permit holder shall thereupon designate a new director.
 255 After such change, the license holder, commission holder, or permit holder of that early
 256 care and education program shall notify the department of such change and of any
 257 additional information the department may require regarding the newly designated director
 258 of that early care and education program, including a fingerprint records check application.
 259 Such individuals shall also submit all necessary applications, fees, and acceptable
 260 fingerprints to the GCIC. If the department determines that such newly designated director
 261 has received a satisfactory fingerprint records check determination that includes a records
 262 check clearance date that is no more than 12 months old or had an unsatisfactory
 263 determination reversed pursuant to Code Section 20-1A-43 within the prior 12 months,
 264 such determination shall be deemed to be satisfactory for purposes of this article. The time
 265 frames set forth in this subsection shall not apply when fingerprints have been retained by

266 the department due to its participation in the program described in subparagraph (a)(1)(F)
 267 of Code Section 35-3-33."

268 **SECTION 2-15.**

269 Said title is further amended by revising subsections (a) and (c) of Code Section 20-1A-39,
 270 relating to potential employees, current employees and directors, records check requirements,
 271 satisfactory records check, and liability for hiring ineligible employee, as follows:

272 "(a) Before a person may become an employee of any early care and education program
 273 after that early care and education program has received a license or commission, that early
 274 care and education program shall require that person to obtain a satisfactory fingerprint
 275 records check determination. All potential employees, excluding students currently
 276 enrolled in an early education curriculum through an accredited school of higher education,
 277 may submit evidence, satisfactory to the department, that the potential employee received
 278 a satisfactory fingerprint records check determination that includes a records check
 279 clearance date that is no more than 12 months old, or that any potential employee whose
 280 fingerprint records check revealed a criminal record of any kind has either subsequently
 281 received a satisfactory fingerprint records check determination or has had the unsatisfactory
 282 determination reversed in accordance with Code Section 20-1A-43. A student currently
 283 enrolled in an early education curriculum through an accredited school of higher education
 284 may submit evidence, satisfactory to the department, that the student received a satisfactory
 285 fingerprint records check determination that includes a records check clearance date that
 286 is no more than 24 months old, or that such student whose fingerprint records check
 287 revealed a criminal record of any kind has either subsequently received a satisfactory
 288 fingerprint records check determination or has had the unsatisfactory determination
 289 reversed in accordance with Code Section 20-1A-43. The licensed or commissioned early
 290 care and education program shall maintain documentation in the employee's personnel file,
 291 which is available to the department upon request, which reflects that a satisfactory
 292 fingerprint records check determination was received before the employee is eligible to
 293 reside at an early care and education program or be present at a licensed or commissioned
 294 early care and education program while children are present for care. If the fingerprint
 295 records check determination for any potential employee reveals a criminal record of any
 296 kind, such potential employee shall be ineligible to reside at an early care and education
 297 program or be present at an early care and education program while children are present
 298 for care until such potential employee has either obtained a satisfactory fingerprint records
 299 check determination or has had the unsatisfactory fingerprint records check determination
 300 reversed in accordance with Code Section 20-1A-43. If the fingerprint records check
 301 determination is unsatisfactory, the licensed or commissioned early care and education

302 program shall, after receiving notification of such unsatisfactory determination, take such
 303 immediate steps as are necessary so that such person no longer resides at the early care and
 304 education program or is no longer present at the early care and education program while
 305 children are present for care. The department shall revoke the license or commission of an
 306 early care and education program if the early care and education program fails to comply
 307 with the requirements of this Code section. The time frames set forth in this subsection
 308 shall not apply when fingerprints have been retained by the department due to its
 309 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."
 310 "(c) Effective January 1, 2019, every employee and director of any licensed or
 311 commissioned early care and education program shall undergo additional fingerprint
 312 records checks such that the time between such additional fingerprint records checks and
 313 that employee's or director's previous fingerprint records check shall not exceed five years
 314 except when fingerprints have been retained by the department due to its participation in
 315 the program described in subparagraph (a)(1)(F) of Code Section 35-3-33. The early care
 316 and education program shall maintain documentation in the appropriate personnel file,
 317 which is available to the department immediately upon request, indicating that such person
 318 has obtained such current satisfactory fingerprint records check determination or has had
 319 an unsatisfactory fingerprint records check determination reversed in accordance with Code
 320 Section 20-1A-43. The department shall revoke the license or commission of an early care
 321 and education program if the early care and education program fails to comply with the
 322 requirements of this Code section."

323 **SECTION 2-16.**

324 Said title is further amended by revising subsection (d) of Code Section 20-2-211.1, relating
 325 to clearance certificates issued by the Professional Standards Commission relating to
 326 fingerprint and criminal background checks, as follows:

327 "(d)(1) Local units of administration shall have the authority and responsibility to order
 328 criminal record checks pursuant to this Code section through the Georgia Crime
 329 Information Center and the Federal Bureau of Investigation and shall have the authority
 330 to receive the results of such criminal record checks. Local units of administration shall
 331 also have the authority to forward the results of criminal record checks to the Professional
 332 Standards Commission as necessary regarding potential violations of the code of ethics
 333 for educators. The Professional Standards Commission shall also have the authority to
 334 order criminal record checks pursuant to this Code section through the Georgia Crime
 335 Information Center and the Federal Bureau of Investigation and shall have the authority
 336 to receive the results of such criminal record checks.

337 (2) Fingerprints shall be in such form and of such quality as shall be acceptable for
 338 submission to the Georgia Crime Information Center and the Federal Bureau of
 339 Investigation. It shall be the duty of each law enforcement agency in this state to
 340 fingerprint those persons required to be fingerprinted by this Code section.

341 (3) If a local unit of administration is participating in the program described in
 342 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and
 343 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained
 344 pursuant to this Code section for such program and the local unit of administration shall
 345 notify the individual whose fingerprints were taken of the parameters of such retention."

346 **SECTION 2-17.**

347 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 348 amended by adding a new subsection to Code Section 25-4-8, relating to qualifications of
 349 firefighters generally, to read as follows:

350 "(d) If the local fire department is participating in the program described in subparagraph
 351 (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal
 352 Bureau of Investigation shall be authorized to retain fingerprints obtained pursuant to this
 353 Code section for such program and the local fire department shall notify the individual
 354 whose fingerprints were taken of the parameters of such retention."

355 **SECTION 2-18.**

356 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
 357 amended by adding a new subsection to Code Section 29-9-19, relating to petitioner for
 358 guardian or conservator to submit to criminal history records check, to read as follows:

359 "(c) If the court is participating in the program described in subparagraph (a)(1)(F) of Code
 360 Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 361 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 362 section for such program and the court shall notify the individual whose fingerprints were
 363 taken of the parameters of such retention."

364 **SECTION 2-19.**

365 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
 366 a new subsection to Code Section 31-2-9, relating to records check requirement for certain
 367 health care facilities, definitions, use of information gathered in investigation, penalties for
 368 unauthorized release or disclosure, and rules and regulations, to read as follows:

369 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
 370 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of

371 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
372 section for such program and the department shall notify the individual whose fingerprints
373 were taken of the parameters of such retention."

374 **SECTION 2-20.**

375 Said title is further amended by adding a new subsection to Code Section 31-2A-7, relating
376 to "conviction data" defined, department authorized to receive data from law enforcement
377 relevant to employment decisions, and criminal history information, to read as follows:

378 "(h) If the department is participating in the program described in subparagraph (a)(1)(F)
379 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
380 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
381 section for such program and the department shall notify the individual whose fingerprints
382 were taken of the parameters of such retention."

383 **SECTION 2-21.**

384 Said title is further amended by revising Code Section 31-7-254, relating to transmission of
385 director's fingerprints to Georgia Crime Information Center for review and notification to
386 department of findings, as follows:

387 "31-7-254.

388 After issuing a temporary license based upon a satisfactory preliminary records check
389 determination of the director under Code Section 31-7-253, the department shall transmit
390 to GCIC both sets of fingerprints and the records search fee from that director's records
391 check application. Upon receipt thereof, GCIC shall promptly transmit one set of
392 fingerprints to the Federal Bureau of Investigation for a search of bureau records and an
393 appropriate report and shall retain the other set and promptly conduct a search of its records
394 and records to which it has access. Within 75 days after receiving fingerprints acceptable
395 to GCIC, the application, and fee, GCIC shall notify the department in writing of any
396 derogatory finding, including but not limited to any criminal record, of the fingerprint
397 records check or if there is no such finding. If the department is participating in the
398 program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau
399 of Investigation and the Federal Bureau of Investigation shall be authorized to retain
400 fingerprints obtained pursuant to this Code section for such program and the department
401 shall notify the individual whose fingerprints were taken of the parameters of such
402 retention."

403

SECTION 2-22.

404 Said title is further amended by revising Code Section 31-7-258, relating to change of facility
405 director; notification to department and effect of department determination, as follows:

406 "31-7-258.

407 (a) If the director of a facility which has been issued a regular license ceases to be the
408 director of that facility, the licensee shall thereupon designate a new director. After such
409 change, the licensee of that facility shall notify the department of such change and of any
410 additional information the department may require regarding the newly designated director
411 of that facility. Such information shall include but not be limited to any information the
412 licensee may have regarding preliminary or fingerprint records check determinations
413 regarding that director. After receiving a change of director notification, the department
414 shall make a written determination from the information furnished with such notification
415 and the department's own records as to whether a satisfactory or unsatisfactory preliminary
416 or fingerprint records check determination has ever been made for the newly designated
417 director. If the department determines that such director within 12 months prior thereto has
418 had a satisfactory fingerprint records check determination, such determination shall be
419 deemed to be a satisfactory fingerprint records check determination as to that director. The
420 license of that facility shall not be adversely affected by that change in director and the
421 licensee shall be so notified. The time frames set forth in this subsection shall not apply
422 when fingerprints have been retained by the department due to its participation in the
423 program described in subparagraph (a)(1)(F) of Code Section 35-3-33.

424 (b) If the department determines under subsection (a) of this Code section that there has
425 ever been an unsatisfactory preliminary or fingerprint records check determination of the
426 newly designated director, the personal care home and that director shall be notified
427 thereof. The license for that director's facility shall be indefinitely suspended unless the
428 personal care home designates another director for whom it has not received or made an
429 unsatisfactory preliminary or fingerprint records check determination and proceeds
430 pursuant to the provisions of this Code section relating to a change of director.

431 (c) If the department determines under subsection (a) of this Code section that there has
432 been no fingerprint records check determination regarding the newly designated director
433 within the immediately preceding 12 months, the department shall so notify the personal
434 care home. The personal care home shall furnish to the department the records check
435 application of the newly designated director or the license of that facility shall be
436 indefinitely suspended. If that records check application is so received, unless the
437 department has within the immediately preceding 12 months made a satisfactory
438 preliminary records check determination regarding the newly designated director, the
439 department shall perform a preliminary records check and determination of the newly

440 designated director; and the applicant and that director shall be notified thereof. If that
 441 determination is unsatisfactory, the provisions of subsection (b) of this Code section
 442 regarding procedures after notification shall apply. If that determination is satisfactory, the
 443 department shall perform a fingerprint records check and determination for that director as
 444 provided in Code Sections 31-7-254 and 31-7-255. If that determination is satisfactory, the
 445 personal care home and director for whom the determination was made shall be so notified,
 446 and the license for the facility at which that person is the newly designated director shall
 447 not be adversely affected by that change of director. If that determination is unsatisfactory,
 448 the provisions of subsection (b) of this Code section shall apply. The time frames set forth
 449 in this subsection shall not apply when fingerprints have been retained by the department
 450 due to its participation in the program described in subparagraph (a)(1)(F) of Code Section
 451 35-3-33."

452 **SECTION 2-23.**

453 Said title is further amended by adding a new subsection to Code Section 31-7-259, relating
 454 to preliminary records check determination, suspension or revocation of license, refusal to
 455 issue regular license, fingerprint check, employment history, director's criminal liability,
 456 exempt employees, mitigating factors in criminal records check, and civil penalty, to read as
 457 follows:

458 "(n) If the department is participating in the program described in subparagraph (a)(1)(F)
 459 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 460 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 461 section for such program and the department shall notify the individual whose fingerprints
 462 were taken of the parameters of such retention."

463 **SECTION 2-24.**

464 Said title is further amended by adding a new subsection to Code Section 31-11-51, relating
 465 to certification and recertification of emergency medical technicians, rules and regulations,
 466 and use of conviction data in licensing decisions, to read as follows:

467 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
 468 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 469 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 470 section for such program and the department shall notify the individual whose fingerprints
 471 were taken of the parameters of such retention."

472 **SECTION 2-25.**

473 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
 474 adding a new subsection to Code Section 33-23-5.1, relating to conviction data, to read as
 475 follows:

476 "(c) If the Commissioner is participating in the program described in subparagraph
 477 (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal
 478 Bureau of Investigation shall be authorized to retain fingerprints obtained pursuant to this
 479 Code section for such program and the Commissioner shall notify the individual whose
 480 fingerprints were taken of the parameters of such retention."

481 **SECTION 2-26.**

482 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 483 agencies, is amended by revising paragraph (15) of subsection (a) of Code Section 35-3-33,
 484 relating to powers and duties of the Georgia Crime Information Center generally, as follows:

485 "(15) Receive and process fingerprints from the Supreme Court of Georgia Office of Bar
 486 Admissions for the purpose of determining whether or not an applicant for admission to
 487 the State Bar of Georgia has a criminal record. The processing shall include submission
 488 of fingerprints to the ~~Georgia Bureau of Investigation~~ bureau and the Federal Bureau of
 489 Investigation for comparison to each of their respective files and data bases. If the
 490 Supreme Court of Georgia Office of Bar Admissions is participating in the program
 491 described in subparagraph (F) of paragraph (1) of this subsection, the bureau and the
 492 Federal Bureau of Investigation shall be authorized to retain fingerprints obtained
 493 pursuant to this paragraph for such program and the Supreme Court of Georgia Office of
 494 Bar Admissions shall notify the individual whose fingerprints were taken of the
 495 parameters of such retention;"

496 **SECTION 2-27.**

497 Said title is further amended by revising subsection (h) of Code Section 35-3-34.2, relating
 498 to exchange of national criminal history background checks on providers of care to children,
 499 the elderly, and persons with disabilities, as follows:

500 "(h) The qualified entity must obtain the fingerprints of the provider, communicate the
 501 fitness determination of the authorized agency to the provider, and notify the provider of
 502 his or her right to challenge the accuracy and completeness of any information contained
 503 in the national criminal history background check. If the qualified entity is participating
 504 in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia
 505 Bureau of Investigation and the Federal Bureau of Investigation shall be authorized to
 506 retain fingerprints obtained pursuant to this Code section for such program and the

507 qualified entity shall notify the individual whose fingerprints were taken of the parameters
 508 of such retention."

509 **SECTION 2-28.**

510 Said title is further amended by adding a new subsection to Code Section 35-3-35, relating
 511 to disclosure and dissemination of records to public agencies and political subdivisions and
 512 responsibility and liability of issuing center, to read as follows:

513 "(f) If a public agency, political subdivision, authority, and instrumentality, including state
 514 or federal licensing and regulatory agencies or their designated representatives, is
 515 participating in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33,
 516 the Georgia Bureau of Investigation and the Federal Bureau of Investigation shall be
 517 authorized to retain fingerprints obtained pursuant to this Code section for such program
 518 and the public agency, political subdivision, authority, and instrumentality, including state
 519 or federal licensing and regulatory agencies or their designated representatives, shall notify
 520 the individual whose fingerprints were taken of the parameters of such retention."

521 **SECTION 2-29.**

522 Said title is further amended by adding a new subsection to Code Section 35-8-6, relating to
 523 appointment of executive director of council, contracts for services, personnel, investigators,
 524 subpoenas, funding, and gifts, grants, or donations, as follows:

525 "(g) If the council is participating in the program described in subparagraph (a)(1)(F) of
 526 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 527 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 528 section for such program and the council shall notify the individual whose fingerprints
 529 were taken of the parameters of such retention."

530 **SECTION 2-30.**

531 Said title is further amended by adding a new subsection to Code Section 35-8-8, relating to
 532 requirements for appointment or certification of persons as peace officers and
 533 preemployment attendance at basic training course and "employment related information"
 534 defined, to read as follows:

535 "(d) If the employer is participating in the program described in subparagraph (a)(1)(F) of
 536 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 537 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 538 section for such program and the employer shall notify the individual whose fingerprints
 539 were taken of the parameters of such retention."

540 **SECTION 2-31.**

541 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by
542 adding a new subsection to Code Section 37-1-28, relating to conviction data, to read as
543 follows:

544 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
545 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
546 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
547 section for such program and the department shall notify the individual whose fingerprints
548 were taken of the parameters of such retention."

549 **SECTION 2-32.**

550 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency
551 management, and veterans affairs, is amended by adding a new subsection to Code Section
552 38-3-27, relating to local organizations for emergency management, creation, structure,
553 powers, directors, appointment, qualifications, and compensation, state to provide financial
554 assistance, and entitlement for funding, to read as follows:

555 "(g) If the director of emergency management is participating in the program described in
556 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and
557 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained
558 pursuant to this Code section for such program and the director of emergency management
559 shall notify the individual whose fingerprints were taken of the parameters of such
560 retention."

561 **SECTION 2-33.**

562 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
563 amended by adding a new subsection to Code Section 40-5-39, relating to requirements for
564 operation of a motor vehicle for hire, for-hire license endorsements and eligibility, term, and
565 background checks, to read as follows:

566 "(h) If the department is participating in the program described in subparagraph (a)(1)(F)
567 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
568 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
569 section for such program and the department shall notify the individual whose fingerprints
570 were taken of the parameters of such retention."

571 **SECTION 2-34.**

572 Said title is further amended by adding a new subsection to Code Section 40-5-82, relating
573 to administration of program, to read as follows:

574 "(f) If the department is participating in the program described in subparagraph (a)(1)(F)
 575 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 576 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 577 section for such program and the department shall notify the individual whose fingerprints
 578 were taken of the parameters of such retention."

579 **SECTION 2-35.**

580 Said title is further amended by adding a new subsection to Code Section 40-5-83, relating
 581 to establishment, approval, and operation of clinics and programs, out-of-state certificates
 582 of completion, instructor licenses, fees, and submission of fingerprints by applicants, to read
 583 as follows:

584 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
 585 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 586 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 587 section for such program and the department shall notify the individual whose fingerprints
 588 were taken of the parameters of such retention."

589 **SECTION 2-36.**

590 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 591 by revising Code Section 42-8-106.1, relating to powers and duties of the Board of
 592 Community Supervision, as follows:

593 "42-8-106.1.

594 (a) The board shall have the following powers and duties, provided that, with respect to
 595 promulgating the rules, regulations, and standards set forth in this subsection, the board
 596 shall seek input from the commissioner of community supervision:

597 (1) To promulgate rules and regulations to implement the uniform professional standards
 598 for probation officers and uniform contract standards for the establishment of probation
 599 services by a county, municipality, or consolidated government established in Code
 600 Section 42-8-107;

601 (2) To promulgate rules and regulations establishing a 40 hour initial orientation for
 602 newly hired private probation officers and for 20 hours per annum of continuing
 603 education for private probation officers, provided that the 40 hour initial orientation shall
 604 not be required of any person who has successfully completed a basic course of training
 605 for supervision of probationers or parolees certified by the Georgia Peace Officer
 606 Standards and Training Council or any private probation officer who has been employed
 607 by a private probation corporation, enterprise, or agency for at least six months as of July
 608 1, 1996;

609 (3) To promulgate rules and regulations establishing a 40 hour initial orientation for
610 probation officers and for 20 hours per annum of continuing education for such probation
611 officers, provided that the 40 hour initial orientation shall not be required of any person
612 who has successfully completed a basic course of training for supervision of probationers
613 or parolees certified by the Georgia Peace Officer Standards and Training Council or any
614 probation officer who has been employed by a county, municipality, or consolidated
615 government as of March 1, 2006;

616 (4) To promulgate rules and regulations relative to compliance with the provisions of this
617 article and enforcement mechanisms;

618 (5) To promulgate rules and regulations establishing registration for any private
619 corporation, private enterprise, private agency, county, municipality, or consolidated
620 government providing probation services under the provisions of this article, subject to
621 the provisions of Code Section 42-8-109.3;

622 (6) To promulgate rules and regulations requiring criminal history record checks of
623 individuals seeking to become private probation officers and establishing procedures for
624 such criminal record checks. DCS on behalf of the board shall conduct a criminal history
625 records check for individuals seeking to become probation officers as provided in Code
626 Section 35-3-34. The board shall promulgate rules and regulations relating to restrictions
627 regarding misdemeanor convictions. An agency or private entity shall also be authorized
628 to conduct a criminal history records check of a person employed as a probation officer
629 or private probation officer or individuals seeking such positions. The criminal history
630 records check may be conducted in accordance with Code Section 35-3-34 and may be
631 based upon the submission of fingerprints of the individual whose records are requested.
632 The Georgia Bureau of Investigation shall submit the fingerprints to the Federal Bureau
633 of Investigation under the rules established by the United States Department of Justice
634 for processing and identification of records. The federal record, if any, shall be obtained
635 and returned to the requesting entity or agency;

636 (7) To promulgate rules and regulations requiring probation officers and private
637 probation officers to be registered with DCS, pay a fee for such registration, and provide
638 for the board to impose sanctions and fines on such officers for misconduct; and

639 (8) To impose sanctions for noncompliance with this article or the board's rules and
640 regulations.

641 (b) If DCS on behalf of the board, an agency, or private entity is participating in the
642 program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau
643 of Investigation and the Federal Bureau of Investigation shall be authorized to retain
644 fingerprints obtained pursuant to this Code section for such program and DCS on behalf

645 of the board, an agency, or private entity, as applicable, shall notify the individual whose
646 fingerprints were taken of the parameters of such retention."

647 **SECTION 2-37.**

648 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
649 is amended by adding a new subsection to Code Section 43-11-40, relating to qualification
650 of applicants and criminal background check, to read as follows:

651 "(e) If the board is participating in the program described in subparagraph (a)(1)(F) of
652 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
653 fingerprints obtained pursuant to this Code section for such program and the board shall
654 notify the individual whose fingerprints were taken of the parameters of such retention."

655 **SECTION 2-38.**

656 Said title is further amended by adding a new subsection to Code Section 43-11-41, relating
657 to application for provisional license to practice dentistry by credentials, procedure, criminal
658 background check, and expiration and revocation of license, to read as follows:

659 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of
660 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
661 fingerprints obtained pursuant to this Code section for such program and the board shall
662 notify the individual whose fingerprints were taken of the parameters of such retention."

663 **SECTION 2-39.**

664 Said title is further amended by adding a new subsection to Code Section 43-11-42, relating
665 to reciprocity and criminal background check, to read as follows:

666 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of
667 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
668 fingerprints obtained pursuant to this Code section for such program and the board shall
669 notify the individual whose fingerprints were taken of the parameters of such retention."

670 **SECTION 2-40.**

671 Said title is further amended by adding a new subsection to Code Section 43-11-52, relating
672 to volunteers in dentistry and dental hygiene, special licensing, and construction, to read as
673 follows:

674 "(j) If the board is participating in the program described in subparagraph (a)(1)(F) of Code
675 Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
676 fingerprints obtained pursuant to this Code section for such program and the board shall
677 notify the individual whose fingerprints were taken of the parameters of such retention."

678 **SECTION 2-41.**

679 Said title is further amended by adding a new subsection to Code Section 43-11-71, relating
 680 to qualifications of applicants for license and criminal background check, to read as follows:

681 "(c) If the board is participating in the program described in subparagraph (a)(1)(F) of
 682 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
 683 fingerprints obtained pursuant to this Code section for such program and the board shall
 684 notify the individual whose fingerprints were taken of the parameters of such retention."

685 **SECTION 2-42.**

686 Said title is further amended by adding a new subsection to Code Section 43-11-71.1, relating
 687 to application for license to practice dental hygiene by credentials, procedure, criminal
 688 background check, and expiration of license, to read as follows:

689 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of
 690 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
 691 fingerprints obtained pursuant to this Code section for such program and the board shall
 692 notify the individual whose fingerprints were taken of the parameters of such retention."

693 **SECTION 2-43.**

694 Said title is further amended by revising Code Section 43-12A-6, relating to acts
 695 disqualifying person from operating provider center or engaging in practice of providing,
 696 installing, or monitoring ignition interlock devices, as follows:

697 "43-12A-6.

698 (a) Every person who desires to operate a provider center or to engage in the practice of
 699 providing, installing, or monitoring ignition interlock devices:

700 (1) Shall not have knowingly made misleading, deceptive, untrue, or fraudulent
 701 representations in the practice of a business or profession licensed under this title or on
 702 any document connected therewith; or practiced fraud or deceit or intentionally made any
 703 false statement in obtaining a license to practice the licensed business or profession; or
 704 made a false statement or deceptive registration with the board;

705 (2) Shall not have been convicted of a second or subsequent violation of Code Section
 706 40-6-391 within five years, as measured from the dates of previous arrests for which
 707 convictions were obtained to the date of the current arrest for which a conviction is
 708 obtained;

709 (3) Shall not have been convicted of any felony or of any crime involving theft, fraud,
 710 violence, or moral turpitude in the courts of this state or any other state, territory, or
 711 country or in the courts of the United States. As used in this paragraph, the term 'felony'
 712 shall mean any offense which, if committed in this state, would be deemed a felony,

713 without regard to its designation elsewhere; and the term 'conviction' shall mean a finding
 714 or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction
 715 has been sought;

716 (4) Shall not have been arrested, charged, and sentenced for the commission of any
 717 felony, or any crime involving theft, fraud, violence, or moral turpitude, where:

718 (A) First offender treatment without adjudication of guilt pursuant to the charge was
 719 granted; or

720 (B) An adjudication of guilt or sentence was otherwise withheld or not entered on the
 721 charge, except with respect to a plea of nolo contendere.

722 The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating
 723 to probation of first offenders, or other first offender treatment shall be conclusive
 724 evidence of arrest and sentencing for such crime;

725 (5) Shall submit at least one set of classifiable electronically recorded fingerprints to the
 726 department in accordance with the fingerprint system of identification established by the
 727 director of the Federal Bureau of Investigation. The department shall transmit the
 728 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 729 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 730 report and promptly conduct a search of state records based upon the fingerprints. After
 731 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 732 of Investigation, the department shall determine whether the applicant may be certified;
 733 and

734 (6) Shall be a United States citizen, or if not a citizen, present federal documentation
 735 verified by the United States Department of Homeland Security to be valid documentary
 736 evidence of lawful presence in the United States under federal immigration law.

737 (b) If the department is participating in the program described in subparagraph (a)(1)(F)
 738 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 739 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 740 section for such program and the department shall notify the individual whose fingerprints
 741 were taken of the parameters of such retention."

742 **SECTION 2-44.**

743 Said title is further amended by revising Code Section 43-13-4, relating to qualifications of
 744 driver training school operators, as follows:

745 "43-13-4.

746 (a) Every person who desires to operate a driver training school or a commercial driver
 747 training school shall meet the following requirements:

748 (1) Be of good moral character;

- 749 (2) Maintain an established place of business in the State of Georgia which is open to the
750 public;
- 751 (3) Maintain bodily injury and property damage liability insurance on motor vehicles
752 while used in driver training instruction, insuring the liability of the driver training
753 school, the driving instructors, and any person taking instruction, in at least the following
754 amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and,
755 subject to such limit for one person, \$300,000.00 for bodily injury to or death of two or
756 more persons in any one accident and the amount of \$50,000.00 for damage to property
757 of others in any one accident. Evidence of such insurance coverage, in the form of a
758 certificate from the insurance carrier, shall be filed with the department; and such
759 certificate shall stipulate that the insurance shall not be canceled except upon ten days'
760 prior written notice to the department. Such insurance shall be written by a company
761 authorized to do business in this state;
- 762 (4) Provide a continuous surety company bond in the principal sum of \$10,000.00 for the
763 protection of the contractual rights of students in such form as will meet with the
764 approval of the department and written by a company authorized to do business in this
765 state; provided, however, that the aggregate liability of the surety for all breaches of the
766 condition of the bond in no event shall exceed the principal sum of \$10,000.00 per
767 location, and a single bond at such rate for all schools operated by the same person may
768 be provided in satisfaction of this paragraph. The surety on any such bond may cancel
769 such bond on giving 30 days' notice thereof in writing to the department and shall be
770 relieved of liability for any breach of any condition of the bond which occurs after the
771 effective date of cancellation. If at any time said bond is not valid and in force, the
772 license of the school or program shall be deemed suspended by operation of law until a
773 valid surety company bond is again in force;
- 774 (5) Have the equipment necessary to the giving of proper instruction in the operation of
775 motor vehicles as prescribed by the department;
- 776 (6) Pay to the department an application fee for the approval of driver training schools
777 and instructors, commercial driver training schools and instructors, and limited license
778 driver training schools and instructors. The amount of this fee shall be established by the
779 commissioner of driver services and shall, as best as the commissioner shall determine,
780 approximate the expense incurred by the department in consideration of the license
781 applications. These licenses and each renewal thereof shall be valid for a period of four
782 years unless suspended or revoked prior to the expiration of that time period;
- 783 (7) Submit at least one set of classifiable electronically recorded fingerprints to the
784 department in accordance with the fingerprint system of identification established by the
785 director of the Federal Bureau of Investigation. The department shall transmit the

786 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 787 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 788 report and promptly conduct a search of state records based upon the fingerprints. After
 789 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 790 of Investigation, the department shall determine whether the applicant may be certified;
 791 and

792 (8) Be a United States citizen, or if not a citizen, present federal documentation verified
 793 by the United States Department of Homeland Security to be valid documentary evidence
 794 of lawful presence in the United States under federal immigration law.

795 (b) If the department is participating in the program described in subparagraph (a)(1)(F)
 796 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 797 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 798 section for such program and the department shall notify the individual whose fingerprints
 799 were taken of the parameters of such retention."

800 **SECTION 2-45.**

801 Said title is further amended by revising Code Section 43-13-5, relating to qualifications of
 802 driver training school instructors, as follows:

803 "43-13-5.

804 (a) Every person who desires to qualify as an instructor for a driver training school or a
 805 commercial driver training school shall meet the following requirements:

806 (1) Be of good moral character;

807 (2) Present to the department evidence of credit in driver education and safety from an
 808 accredited college or university equivalent to credits in those subjects which are required
 809 of instructors in the public schools of this state or give satisfactory performance on a
 810 written, oral, performance, or combination examination administered by the department
 811 testing both knowledge of the field of driver education and skills necessary to instruct and
 812 impart driving skills and safety to students. The examination shall be administered
 813 quarterly or upon the written application of four or more prospective licensees. The
 814 examination fee shall be established by the commissioner of driver services;

815 (3) Be physically able to operate safely a motor vehicle and to instruct others in the
 816 operation of motor vehicles;

817 (4) Hold a valid driver's license;

818 (5) Pay to the department an application fee to be established by the commissioner of
 819 driver services;

820 (6) Submit at least one set of classifiable electronically recorded fingerprints to the
 821 department in accordance with the fingerprint system of identification established by the

822 director of the Federal Bureau of Investigation. The department shall transmit the
 823 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints
 824 to the Federal Bureau of Investigation for a search of bureau records and an appropriate
 825 report and promptly conduct a search of state records based upon the fingerprints. After
 826 receiving the report from the Georgia Crime Information Center and the Federal Bureau
 827 of Investigation, the department shall determine whether the applicant may be certified;
 828 and

829 (7) Be a United States citizen, or if not a citizen, present federal documentation verified
 830 by the United States Department of Homeland Security to be valid documentary evidence
 831 of lawful presence in the United States under federal immigration law.

832 (b) If the department is participating in the program described in subparagraph (a)(1)(F)
 833 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 834 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 835 section for such program and the department shall notify the individual whose fingerprints
 836 were taken of the parameters of such retention."

837 **SECTION 2-46.**

838 Said title is further amended by adding a new subsection to Code Section 43-13-6.1, relating
 839 to special licenses for driver training school instructors qualified to teach alcohol and drug
 840 course, fingerprinting requirement, and citizenship requirement, to read as follows:

841 "(d) If the department is participating in the program described in subparagraph (a)(1)(F)
 842 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 843 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 844 section for such program and the department shall notify the individual whose fingerprints
 845 were taken of the parameters of such retention."

846 **SECTION 2-47.**

847 Said title is further amended by adding a new subsection to Code Section 43-20-8, relating
 848 to issuance of licenses and fees, to read as follows:

849 "(e) If the board is participating in the program described in subparagraph (a)(1)(F) of
 850 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 851 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 852 section for such program and the board shall notify the individual whose fingerprints were
 853 taken of the parameters of such retention."

854 **SECTION 2-48.**

855 Said title is further amended by revising Code Section 43-22A-7, relating to requirements for
 856 application for licensure, as follows:

857 "43-22A-7.

858 (a) Except as provided in paragraph (4) of this Code section, each applicant for a license
 859 as a lactation consultant shall be at least 18 years of age, shall have submitted a completed
 860 application upon a form and in such manner as the Secretary prescribes, accompanied by
 861 applicable fees, and shall be in compliance with the following requirements:

862 (1) Meeting the international education and clinical standards established for IBCLCs
 863 by the IBLCE, or its successor organization;

864 (2) Providing proof of successful completion of the IBLCE examination or the
 865 examination of any successor organization;

866 (3) Having satisfactory results from a criminal background check report conducted by
 867 the Georgia Crime Information Center and the Federal Bureau of Investigation, as
 868 determined by the Secretary. Application for a license under this Code section shall
 869 constitute express consent and authorization for the Secretary to perform a criminal
 870 background check. Each applicant who submits an application to the Secretary for
 871 licensure agrees to provide the Secretary with any and all information necessary to run
 872 a criminal background check, including, but not limited to, classifiable sets of
 873 fingerprints. The applicant shall be responsible for all fees associated with the
 874 performance of such background check; and

875 (4) Completing such other requirements as may be prescribed by the Secretary.

876 (b) If the Secretary is participating in the program described in subparagraph (a)(1)(F) of
 877 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 878 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 879 section for such program and the Secretary shall notify the individual whose fingerprints
 880 were taken of the parameters of such retention."

881 **SECTION 2-49.**

882 Said title is further amended by adding a new subsection to Code Section 43-24A-8, relating
 883 to licensure of massage therapists and application and requirements, to read as follows:

884 "(c) If the board is participating in the program described in subparagraph (a)(1)(F) of
 885 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 886 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 887 section for such program and the board shall notify the individual whose fingerprints were
 888 taken of the parameters of such retention."

SECTION 2-50.

889
890 Said title is further amended by revising Code Section 43-25A-5, relating to application for
891 music therapy license, as follows:

892 "43-25A-5.

893 (a) The Secretary shall issue a license to an applicant for a music therapy license when
894 such applicant has completed and submitted an application upon a form and in such manner
895 as the Secretary prescribes, accompanied by applicable fees, and evidence satisfactory to
896 the Secretary that:

- 897 (1) The applicant is at least 18 years of age;
- 898 (2) The applicant holds a bachelor's degree or higher in music therapy, or its equivalent,
899 from a program approved by the American Music Therapy Association or any successor
900 organization within an accredited college or university;
- 901 (3) The applicant successfully completes a minimum of 1,200 hours of clinical training,
902 with at least 180 hours in preinternship experiences and at least 900 hours in internship
903 experiences, provided that the internship shall be approved by an academic institution,
904 the American Music Therapy Association or any successor organization, or both;
- 905 (4) The applicant is in good standing based on a review of the applicant's music therapy
906 licensure history in other jurisdictions, including a review of any alleged misconduct or
907 neglect in the practice of music therapy on the part of the applicant;
- 908 (5) The applicant provides proof of passing the examination for board certification
909 offered by the Certification Board for Music Therapists or any successor organization or
910 provides proof of being transitioned into board certification, and provides proof that the
911 applicant is currently a board certified music therapist; and
- 912 (6) The applicant has satisfactory results from a fingerprint record check report
913 conducted by the Georgia Crime Information Center and the Federal Bureau of
914 Investigation, as determined by the Secretary. Application for a license under this Code
915 section shall constitute express consent and authorization for the Secretary or his or her
916 representative to perform a criminal background check. Each applicant who submits an
917 application to the Secretary for licensure by examination agrees to provide the Secretary
918 with any and all information necessary to run a criminal background check, including,
919 but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for
920 all fees associated with the performance of such background check.

921 (b) If the Secretary is participating in the program described in subparagraph (a)(1)(F) of
922 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
923 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
924 section for such program and the Secretary shall notify the individual whose fingerprints
925 were taken of the parameters of such retention."

926 **SECTION 2-51.**

927 Said title is further amended by adding a new subsection to Code Section 43-26-7, relating
 928 to requirements for licensure as registered professional nurse and requirements for
 929 nontraditional nursing education program, to read as follows:

930 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of
 931 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 932 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 933 section for such program and the board shall notify the individual whose fingerprints were
 934 taken of the parameters of such retention."

935 **SECTION 2-52.**

936 Said title is further amended by revising Code Section 43-26-36.1, relating to fingerprint
 937 record and criminal background checks for applicants for licensure and fees, as follows:

938 "43-26-36.1.

939 Any applicant for licensure under this article shall have satisfactory results from a
 940 fingerprint record check report conducted by the Georgia Crime Information Center and
 941 the Federal Bureau of Investigation, as determined by the board. Application for a license
 942 under this article shall constitute express consent and authorization for the board or its
 943 representative to perform a criminal background check. Each applicant who submits an
 944 application to the board for licensure agrees to provide the board with any and all
 945 information necessary to run a criminal background check, including, but not limited to,
 946 classifiable sets of fingerprints. The applicant shall be responsible for all fees associated
 947 with the performance of such background check. If the board is participating in the
 948 program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau
 949 of Investigation and the Federal Bureau of Investigation shall be authorized to retain
 950 fingerprints obtained pursuant to this Code section for such program and the board shall
 951 notify the individual whose fingerprints were taken of the parameters of such retention."

952 **SECTION 2-53.**

953 Said title is further amended by adding a new subsection to Code Section 43-38-6, relating
 954 to licenses, qualifications, criminal records, fingerprints, bond, insurance, or net worth
 955 affidavit, display of license, suspension, temporary permits, and license recognition
 956 agreements, to read as follows:

957 "(j) If the board is participating in the program described in subparagraph (a)(1)(F) of Code
 958 Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 959 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 960 section for such program and the board shall notify the individual whose fingerprints were

961 taken of the parameters of such retention. The time frames set forth in this Code section
 962 shall not apply when fingerprints have been retained by the department due to its
 963 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."

964 **SECTION 2-54.**

965 Said title is further amended by adding a new subsection to Code Section 43-38-7, relating
 966 to licensing of armed employees, qualifications, continuing education, fingerprints, license
 967 card, and suspension, to read as follows:

968 "(h) If the board is participating in the program described in subparagraph (a)(1)(F) of
 969 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 970 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 971 section for such program and the board shall notify the individual whose fingerprints were
 972 taken of the parameters of such retention."

973 **SECTION 2-55.**

974 Said title is further amended by revising subsections (b) and (d) of Code Section 43-38-7.1,
 975 relating to registration records of unarmed security employees and fingerprint identification
 976 of prospective registrants, as follows:

977 "(b) The licensee shall forward fingerprints received from each prospective registrant to
 978 the Georgia Crime Information Center of the Georgia Bureau of Investigation for the
 979 purpose of criminal identification through the fingerprint system of identification
 980 established by the Georgia Bureau of Investigation and the fingerprint system of
 981 investigation established by the Federal Bureau of Investigation. If the board is
 982 participating in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33,
 983 the Georgia Bureau of Investigation and the Federal Bureau of Investigation shall be
 984 authorized to retain fingerprints obtained pursuant to this Code section for such program
 985 and the board shall notify the individual whose fingerprints were taken of the parameters
 986 of such retention."

987 "(d) At such times as the board may require, fingerprint cards of registrants may be
 988 periodically reprocessed by a licensee to identify criminal convictions subsequent to
 989 registration; provided, however, that when fingerprints have been retained by the board due
 990 to its participation in the program described in subparagraph (a)(1)(F) of Code Section
 991 35-3-33, there shall be no need for reprocessing."

992 **SECTION 2-56.**

993 Said title is further amended by revising subsection (c) of Code Section 43-38-9, relating to
 994 disposition of applicants' fingerprints, as follows:

995 "(c) At such times as the board may require, fingerprint cards of licensees and registrants
 996 may be periodically reprocessed to identify criminal convictions subsequent to licensure
 997 or registration; provided, however, that when fingerprints have been retained by the board
 998 due to its participation in the program described in subparagraph (a)(1)(F) of Code Section
 999 35-3-33, there shall be no need for reprocessing."

1000 **SECTION 2-57.**

1001 Said title is further amended by adding a new subsection to Code Section 43-39A-22.1,
 1002 relating to conviction data defined, fingerprint records check, and disclosure, to read as
 1003 follows:

1004 "(c) If the board is participating in the program described in subparagraph (a)(1)(F) of
 1005 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 1006 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 1007 section for such program and the board shall notify the individual whose fingerprints were
 1008 taken of the parameters of such retention."

1009 **SECTION 2-58.**

1010 Said title is further amended by adding a new subsection to Code Section 43-40-27.1, relating
 1011 to conviction data, to read as follows:

1012 "(c) If the commission is participating in the program described in subparagraph (a)(1)(F)
 1013 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 1014 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 1015 section for such program and the commission shall notify the individual whose fingerprints
 1016 were taken of the parameters of such retention."

1017 **SECTION 2-59.**

1018 Said title is further amended by revising Code Section 43-47-6, relating to general powers
 1019 and duties of board, as follows:

1020 "43-47-6.

1021 (a) All powers and duties under this chapter not specifically reserved to the board shall be
 1022 the powers and duties of the division. The board shall have the following powers and
 1023 duties:

- 1024 (1) To receive applications for registration of licensees and to forward them to the
 1025 appropriate division;
- 1026 (2) To make such rules and regulations as may be necessary to effectuate the
 1027 administration and enforcement of this chapter;

1028 (3) To arrange for all new applicants to have a criminal background check, which
 1029 background check shall be mandatory. The applicant's fingerprints shall be forwarded
 1030 to the Georgia Crime Information Center which shall run a criminal background check
 1031 on the applicant and provide the results of the background check to the board.
 1032 Additionally, the applicant's fingerprints will be forwarded to the Federal Bureau of
 1033 Investigation for a national criminal history record check;

1034 (4) To publish in print or electronically on or before September 1 of each year an
 1035 alphabetical listing of all licensees pursuant to this chapter and to distribute copies of the
 1036 same, if requested, to the Department of Public Safety, the Department of Revenue, and
 1037 the Georgia Bureau of Investigation, to all sheriffs in this state, and to all county and
 1038 municipal police departments in this state;

1039 (5) To establish a fee for a license for each principal place of business and a fee for a
 1040 supplemental license for each place of business not immediately adjacent to the principal
 1041 place of business. The board may establish separate schedules of fees for such licenses
 1042 depending on whether the applicant begins to do business as a licensee prior to or after
 1043 the issuance of any such license; and

1044 (6) To do all other things necessary and proper to carry out the powers and duties listed
 1045 in this Code section.

1046 (b) If the board is participating in the program described in subparagraph (a)(1)(F) of Code
 1047 Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 1048 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 1049 section for such program and the board shall notify the individual whose fingerprints were
 1050 taken of the parameters of such retention."

1051 **SECTION 2-60.**

1052 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 1053 by adding a new subsection to Code Section 49-2-14, relating to record search for conviction
 1054 data on prospective employees, to read as follows:

1055 "(i) If the department is participating in the program described in subparagraph (a)(1)(F)
 1056 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 1057 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 1058 section for such program and the department shall notify the individual whose fingerprints
 1059 were taken of the parameters of such retention."

SECTION 2-61.

1060
1061 Said title is further amended by adding a new subsection to Code Section 49-2-14.1, relating
1062 to definitions and records check requirement for licensing certain facilities, to read as
1063 follows:

1064 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)
1065 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
1066 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
1067 section for such program and the department shall notify the individual whose fingerprints
1068 were taken of the parameters of such retention."

SECTION 2-62.

1069
1070 Said title is further amended by revising Code Section 49-5-62, relating to records check
1071 application for director of new facility and preliminary records check for employees, as
1072 follows:

1073 "49-5-62.

1074 (a) Accompanying any application for a new license for a facility, the applicant shall
1075 furnish to the department a records check application for the director and a satisfactory
1076 preliminary records check for each employee of such facility. In lieu of such records check
1077 applications, the applicant may submit evidence, satisfactory to the department, that within
1078 the immediately preceding 12 months the director received satisfactory state and national
1079 fingerprint records check determinations and each employee received a satisfactory
1080 preliminary records check determination, or that any employee other than the director
1081 whose preliminary records check revealed a criminal record of any kind has either
1082 subsequently received satisfactory state and national fingerprint records check
1083 determinations or has had the unsatisfactory determination reversed in accordance with
1084 Code Section 49-5-73. The department may either perform preliminary records checks
1085 under agreement with GCIC or contract with GCIC and appropriate law enforcement
1086 agencies which have access to GCIC information to have those agencies perform for the
1087 department a preliminary records check for each preliminary records check application
1088 submitted thereto by the department. Either the department or the appropriate law
1089 enforcement agencies may charge reasonable fees for performing preliminary records
1090 checks.

1091 (b) If the department is participating in the program described in subparagraph (a)(1)(F)
1092 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
1093 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
1094 section for such program and the department shall notify the individual whose fingerprints
1095 were taken of the parameters of such retention. The time frames set forth in this Code

1096 section shall not apply when fingerprints have been retained by the department due to its
 1097 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."

1098 **SECTION 2-63.**

1099 Said title is further amended by revising Code Section 49-5-63, relating to notice of
 1100 determination, issue of license, and effect of unsatisfactory determination, as follows:

1101 "49-5-63.

1102 After being furnished the required records check application under Code Section 49-5-62,
 1103 the department shall notify in writing the license applicant as to each person for whom an
 1104 application was received regarding whether the department's determination as to that
 1105 person's state fingerprint records check was satisfactory or unsatisfactory. If the
 1106 preliminary records check determination was satisfactory as to each employee of an
 1107 applicant's facility and the state fingerprint records check was satisfactory as to the director,
 1108 that applicant may be issued a license for that facility if the applicant otherwise qualifies
 1109 for a license under Article 1 of this chapter. If the state or national fingerprint records
 1110 check determination was unsatisfactory as to the director of an applicant's facility, the
 1111 applicant shall designate another director for that facility after receiving notification of the
 1112 determination and proceed under Code Section 49-5-62 and this Code section to obtain
 1113 state and national fingerprint records checks for that newly designated director. If the
 1114 preliminary records check for any employee other than the director revealed a criminal
 1115 record of any kind, such employee shall not be allowed to work in the center until he or she
 1116 either has obtained satisfactory state and national fingerprint records check determinations
 1117 or has had the unsatisfactory determination reversed in accordance with Code Section
 1118 49-5-73. If the determination was unsatisfactory as to any employee of an applicant's
 1119 facility, the applicant shall, after receiving notification of that determination, take such
 1120 steps as are necessary so that such person is no longer an employee. Any employee other
 1121 than the director who receives a satisfactory preliminary records check shall not be required
 1122 to obtain a fingerprint records check when fingerprints have been retained by the
 1123 department due to its participation in the program described in subparagraph (a)(1)(F) of
 1124 Code Section 35-3-33, unless such an employee has been designated as a director or as
 1125 permitted by the provisions of subsection (c) of Code Section 49-5-69."

1126 **SECTION 2-64.**

1127 Said title is further amended by revising Code Section 49-5-64, relating to fingerprint records
 1128 check, as follows:

1129 "49-5-64.

1130 (a) The department shall transmit to GCIC both sets of fingerprints and the records search
 1131 fee from each fingerprint records check application. Upon receipt thereof, GCIC shall
 1132 promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search
 1133 of bureau records and an appropriate report and shall retain the other set and promptly
 1134 conduct a search of its records and records to which it has access. Within ten days after
 1135 receiving fingerprints acceptable to GCIC, the application, and fee, GCIC shall notify the
 1136 department in writing of any derogatory finding, including but not limited to any criminal
 1137 record, of the state fingerprint records check or if there is no such finding. After a search
 1138 of Federal Bureau of Investigation records and fingerprints and upon receipt of the bureau's
 1139 report, the department shall make a national fingerprint records determination.

1140 (b) If the department is participating in the program described in subparagraph (a)(1)(F)
 1141 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 1142 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 1143 section for such program and the department shall notify the individual whose fingerprints
 1144 were taken of the parameters of such retention."

1145 **SECTION 2-65.**

1146 Said title is further amended by adding a new subsection to Code Section 49-5-68, relating
 1147 to change of director, to read as follows:

1148 "(d) The time frames set forth in this Code section shall not apply when fingerprints have
 1149 been retained by the department due to its participation in the program described in
 1150 subparagraph (a)(1)(F) of Code Section 35-3-33."

1151 **SECTION 2-66.**

1152 Said title is further amended by adding a new subsection to Code Section 49-5-69.1, relating
 1153 to fingerprint and preliminary records check for foster homes, notice of results, violations,
 1154 and foster parents known to have criminal records, to read as follows:

1155 "(f) If the department is participating in the program described in subparagraph (a)(1)(F)
 1156 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of
 1157 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code
 1158 section for such program and the department shall notify the individual whose fingerprints
 1159 were taken of the parameters of such retention. The time frames set forth in this Code
 1160 section shall not apply when fingerprints have been retained by the department due to its
 1161 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."

SECTION 2-67.

1162

1163 Said title is further amended by revising subsection (c) of Code Section 49-5-111, relating
1164 to employers authorized to make records checks and procedure, as follows:

1165 "(c) If the employer is participating in the program described in subparagraph (a)(1)(F) of
1166 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain
1167 fingerprints obtained pursuant to this article for such program and the employer shall notify
1168 the individual whose fingerprints were taken of the parameters of such retention."

1169

PART III

1170

SECTION 3-1.

1171 All laws and parts of laws in conflict with this Act are repealed.