

Senate Bill 355

By: Senators Rhett of the 33rd, Butler of the 55th, Mullis of the 53rd, Sims of the 12th, Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated,
2 relating to identification cards for persons without drivers' licenses, so as to provide for the
3 issuance of identification cards to persons completing a term of incarceration; to provide that
4 the Department of Corrections or jailers share identifying information with the Department
5 of Driver Services; to provide for assistance by the Department of Corrections or jailers in
6 obtaining required documentation for the issuance of a personal identification card; to amend
7 Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to
8 grants of pardons, paroles, and other relief, so as to provide consent for the release of certain
9 criminal history and vocational information to inmates upon release; to provide for issuance
10 of a personal identification card or operator's license; to provide for a certificate of
11 employability; to provide for the Board of Corrections' responsibilities with regard to
12 certificates of employability, including annual reporting; to provide for employer's
13 obligations; to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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16 Article 5 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
17 identification cards for persons without drivers' licenses, is amended by adding a new Code
18 section to read as follows:

19 "40-5-107.

20 (a) The Department of Driver Services, in coordination with the Department of
21 Corrections and jailers, as described in Code Section 42-4-1, shall issue a personal
22 identification card to any resident of this state lacking a driver's license, personal
23 identification card, or other identification card issued pursuant to this chapter upon the
24 completion of a term of incarceration in any prison, jail, or detention facility of this state,
25 its departments or agencies, or political subdivisions, and upon submission of any
26 documentation required by Code Section 40-5-100.

27 (b) The Department of Corrections and any jailer shall provide to the department any
28 documentation in its possession required for issuance of a personal identification card
29 pursuant to Code Section 40-5-100. For any person incarcerated for a term of more than
30 six months, the Department of Corrections and any jailer shall provide such incarcerated
31 person with information on documentation required to obtain a personal identification card
32 pursuant to Code Section 40-5-100, including assisting such person in making requests for
33 official copies of any such required documentation."

34

SECTION 2.

35 Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to
36 grants of pardons, paroles, and other relief, is amended in Code Section 42-9-44, relating to
37 terms and conditions of parole, adoption of general and special rules, violation of parole,
38 certain parolees or releasees to obtain high school diploma or general educational
39 development (GED) diploma, by adding two new subsections to read as follows:

40 "(c) When an inmate is released, the board shall issue to such parolee or conditional
41 releasee, with the inmate's consent, documents pertaining to all of the following:

42 (1) The inmate's criminal history in Georgia;

43 (2) The inmate's institutional history, including all of the following:

44 (A) Any record of major disciplinary violations;

45 (B) Whether the inmate successfully completed training approved by the board;

46 (C) Whether the inmate obtained a general education development (GED) diploma or
47 other educational degree prior to incarceration, to the extent known or verifiable by the
48 board;

49 (D) Whether the inmate obtained a general education development (GED) diploma or
50 other educational degree while incarcerated;

51 (E) The inmate's work record prior to incarceration, including past employment and
52 skills, to the extent known or verifiable by the board through technology or by other
53 means; and

54 (F) The inmate's institutional work record, including skills obtained through any job
55 training provided by the board; and

56 (3) Other information considered relevant by the board.

57 (d) When an inmate is released, the board may, in conjunction with the Department of
58 Driver Services, issue him or her an operator's license or personal identification card
59 pursuant to Code Section 40-5-107 and shall also issue a certificate of employability to an
60 inmate under the following rules and conditions:

61 (1) The inmate achieved the following:

62 (A) While incarcerated, successfully earned a general education development (GED)
63 diploma; or

64 (B) Prior to incarceration, earned a high school equivalency certificate, a high school
65 diploma, a college degree, a vocational or technical education program certificate

66 signifying program completion, or a diploma or degree obtained by correspondence
67 from a postsecondary education program that meets the board's approval;

68 (C) Received no major disciplinary violations during the year immediately preceding
69 his or her release; and

70 (D) Received a score or level of competence as determined by the board on a job skills
71 assessment test administered by the board or jail.

72 (2) The certificate of employability shall:

73 (A) Be issued to the inmate when he or she is released from a correctional facility;

74 (B) Be on a form provided by the board;

75 (C) Be valid unless revoked by the board; and

76 (D) Not create relief from:

77 (i) A requirement to register as a sex offender under Code Section 42-1-12;

78 (ii) A driver's license, commercial driver's license, or probationary license
79 suspension, cancellation, or revocation;

80 (iii) A restriction on employment as a prosecutor or law enforcement officer; or

81 (iv) The denial, ineligibility, or automatic suspension of a healthcare professional's
82 license due to a substance use disorder.

83 (3)(A) The board shall revoke the certificate of employability provided under this
84 action of any individual who is convicted of a felony after receiving a certificate of
85 employability.

86 (B) The board shall provide an individual whose certificate of employability has been
87 revoked under this subsection an opportunity to file a grievance through the board's
88 inmate grievance system. The revocation of a certificate of employability is effective
89 when the individual is notified of the revocation.

90 (C) The revocation of a certificate of employability does not affect the right of an
91 employer to rely on the certificate's validity unless the employer knew before the
92 individual was employed that the certificate of employability was fraudulent.

93 (4) An individual who intentionally states or otherwise represents that he or she has a
94 valid certificate of employability issued by the board, knowing that the statement or
95 representation is false, shall be guilty of a misdemeanor.

96 (5) Upon request, the board shall confirm whether a certificate of employability has been
97 issued to a named individual and whether the certificate is valid at the time of the inquiry
98 and the board's response to that inquiry.

99 (6) The board is not civilly liable for damages based upon its decision to issue or deny
100 issuance of a certificate of employability to any inmate or for revoking or failing to
101 revoke a certificate of employability issued to any inmate.

102 (7)(A) In a judicial or administrative proceeding alleging negligence or other fault, a
103 certificate of employability issued to an individual under this subsection may be
104 introduced as evidence of a person's due diligence in hiring, retaining, licensing, leasing
105 to, admitting to a school or program, or otherwise transacting business or engaging in
106 activity with the individual to whom the certificate of employability was issued if the
107 person knew of the certificate at the time of the alleged negligence or other fault.

108 (B) In any proceeding on a claim against an employer for negligent hiring, a certificate
109 of employability issued to an individual under this section may be a defense for the
110 employer as to the claim if the employer knew of the certificate at the time of the
111 alleged negligence, except in cases where the employer knew or should have known the
112 employee should not be hired for the position due to the nature of his or her history,
113 including criminal history.

114 (8) The board shall notify incoming inmates of their right to earn a certificate of
115 employability.

116 (9) The board shall submit an annual report no later than September 1 of each year to the
117 Governor and the General Assembly, which shall include the number of certificates of
118 employability issued in the preceding 12 months, the rate of recidivism among released

119 inmates previously issued certificates of employability, and any other information the
120 board deems appropriate to include."

121 **SECTION 3.**

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