

Senate Bill 404

By: Senators Albers of the 56th, Robertson of the 29th, Mullis of the 53rd, Gooch of the 51st,
Beach of the 21st and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated,
2 relating to emergency medical services personnel, so as to authorize the Georgia Bureau of
3 Investigation and the Federal Bureau of Investigation to retain certain fingerprints under
4 certain conditions; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
9 emergency medical services personnel, is amended by revising Code Section 31-11-51,
10 relating to certification and recertification of emergency medical technicians, rules and
11 regulations, and use of conviction data in licensing decisions, as follows:

12 "31-11-51.

13 (a) As used in this Code section, the term 'conviction data' means a record of a finding or
14 verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime,
15 regardless of whether an appeal of the conviction has been sought.

16 (b) Except as otherwise provided for in this chapter, the board shall, by regulation,
17 authorize the department to establish procedures and standards for the licensing of
18 emergency medical services personnel. The department shall succeed to all rules and
19 regulations, policies, procedures, and administrative orders of the composite board which
20 were in effect on December 31, 2001, and which relate to the functions transferred to the
21 department by this chapter. Such rules, regulations, policies, procedures, and
22 administrative orders shall remain in effect until amended, repealed, superseded, or
23 nullified by proper authority or as otherwise provided by law.

24 (c) In reviewing applicants for initial licensure of emergency medical services personnel,
25 the department shall be authorized pursuant to this Code section to obtain conviction data
26 with respect to such applicants for the purposes of determining the suitability of the
27 applicant for licensure.

28 (d) The department shall by rule or regulation, consistent with the requirements of this
29 subsection, establish a procedure for requesting a fingerprint based criminal history records
30 check from the center and the Federal Bureau of Investigation. Fingerprints shall be in
31 such form and of such quality as prescribed by the center and under standards adopted by
32 the Federal Bureau of Investigation. Fees may be charged as necessary to cover the cost
33 of the records search. An applicant may request that a criminal history records check be
34 conducted by a state or local law enforcement agency or by a private vendor approved by
35 the department. Fees for criminal history records checks shall be paid by the applicant to
36 the entity processing the request at the time such request is made. The state or local law
37 enforcement agency or private vendor shall remit payment to the center in such amount as
38 required by the center for conducting a criminal history records check. The department
39 shall accept a criminal history records check whether such request is made through a state
40 or local law enforcement agency or through a private vendor approved by the department.
41 Upon receipt of an authorized request, the center shall promptly cause such criminal
42 records search to be conducted. The center shall notify the department in writing of any

43 finding of disqualifying information, including, but not limited to, any conviction data
44 regarding the fingerprint records check, or if there is no such finding.

45 (e) An applicant with conviction data which indicates a conviction of a felony more than
46 five but less than ten years prior to application shall not be disqualified for licensure,
47 provided that such applicant has:

48 (1) Successfully completed a training program approved by the department and
49 sponsored by the Department of Corrections pursuant to Code Section 42-5-57; and

50 (2) Met all other requirements as set forth in this chapter.

51 (f) Conviction data received by the department or a state or local law enforcement agency
52 shall be privileged and shall not be a public record or disclosed to any person. Conviction
53 data shall be maintained by the department and the state or local law enforcement pursuant
54 to laws regarding such records and the rules and regulations of the center and the Federal
55 Bureau of Investigation. Penalties for the unauthorized release or disclosure of conviction
56 data shall be as prescribed by law or rule or regulation of the center or Federal Bureau of
57 Investigation.

58 (g) The center, the department, or any law enforcement agency, or the employees of any
59 such entities, shall neither be responsible for the accuracy of information provided pursuant
60 to this Code section nor be liable for defamation, invasion of privacy, negligence, or any
61 other claim relating to or arising from the dissemination of information pursuant to this
62 Code section.

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

69

SECTION 2.

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