

House Bill 650

By: Representatives Bell of the 75th, Gilliard of the 162nd, Paris of the 142nd, Jones of the 60th,
Westbrook of the 163rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 15, 43, 44, and 45 of the Official Code of Georgia Annotated, relating to
2 courts, professions and businesses, property, and public officers and employees, respectively,
3 so as to restore certain rights of individuals with criminal histories; to repeal the prohibition
4 on felons serving on juries; to repeal the prohibition on felons serving on grand juries; to
5 provide exceptions; to revise the grounds for the refusal to grant and revocation of
6 professional licenses; to revise the grounds for the revocation or suspension of an auctioneer
7 license; to revise the grounds for the suspension, revocation, or cancellation of a license or
8 certificate of electrical contractors, plumbers, conditioned air contractors, low-voltage
9 contractors, and utility contractors; to prohibit persons from refusing to lease residential
10 dwellings to individuals based on such individuals' criminal histories; to revise the grounds
11 for the denial of a notary public application; to provide for conforming changes; to provide
12 an effective date; to provide a short title; to provide for related matters; to repeal conflicting
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 650

- 1 -

PART I**SECTION 1-1.**

17 This Act shall be known and may be cited as the "Presidential Felon Freedom Act."

PART II**SECTION 2-1.**

20 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
21 Code Section 15-12-40, relating to ineligibility to serve as a trial juror, as follows:

22 "15-12-40.

23 Any person ~~who has been convicted of a felony in a state or federal court who has not had~~
24 ~~his or her civil rights restored and any person~~ who has been judicially determined to be
25 mentally incompetent shall not be eligible to serve as a trial juror."

SECTION 2-2.

26 Said title is further amended in Code Section 15-12-40.1, relating to state-wide master jury
27 list, driver's license information, list of registered voters, and random list of persons to
28 comprise venire, by revising subsections (b), (f), and (g) as follows:

30 "(b) On and after July 1, 2017, upon the council's request, the Department of Driver
31 Services shall provide the council data showing the full name of all persons who are at
32 least 18 years of age and residents of this state who have been issued a driver's license or
33 ~~personal~~ identification card pursuant to Chapter 5 of Title 40. In addition to the person's
34 full name, the Department of Driver Services shall include the person's address, city of
35 residence, date of birth, gender, driver's license or ~~personal~~ identification card number, and,
36 whenever racial information is collected by the Department of Driver Services, racial
37 information. The Department of Driver Services shall provide the document issue date and

38 document expiration date; shall indicate whether the document is a driver's license or a
39 ~~personal~~ an identification card; and shall exclude persons ~~whose driver's license has been~~
40 ~~suspended or revoked due to a felony conviction~~, whose driver's license has been expired
41 for more than 730 days; or who have been identified as not being citizens of the United
42 States. Such data shall also include a secure unique identifier, determined according to the
43 specifications of the council in consultation with the Department of Driver Services, which
44 shall be a representation of the last four digits of the social security number associated with
45 each driver's license or ~~personal~~ identification card holder. The council shall provide the
46 Department of Driver Services with the software required to generate such secure unique
47 identifier. The Department of Driver Services shall also provide the names and identifying
48 information specified by this subsection of persons convicted in this state or in another
49 state of driving without a license. Such data shall be in electronic format as required by the
50 council."

51 "~~(f) On and after July 1, 2017, upon request by the council, the Department of Corrections~~
52 ~~shall provide to the council, without cost, data showing a list of the names of all persons~~
53 ~~who have been convicted of a felony in this state. In addition to the convicted person's full~~
54 ~~name, the data shall include the person's address, including the county of residence and ZIP~~
55 ~~Code, date of birth, gender, and, when such information is available, the convicted person's~~
56 ~~race. Such data shall also include a secure unique identifier, determined according to the~~
57 ~~specifications of the council in consultation with the Department of Corrections, which~~
58 ~~shall be a representation of the last four digits of the social security number associated with~~
59 ~~each convicted person. The council shall provide the Department of Corrections with the~~
60 ~~software required to generate such secure unique identifier. Such data shall be in electronic~~
61 ~~format as required by the council~~ Reserved.

62 "~~(g) On and after July 1, 2017, upon request by the council, the State Board of Pardons and~~
63 ~~Paroles shall provide to the council, without cost, data showing a list of the names of all~~
64 ~~persons who have had his or her civil rights restored. In addition to the person's full name,~~

65 ~~the data shall include the person's address, including the county of residence and ZIP Code,~~
 66 ~~date of birth, gender, and, when such information is available, the person's race. Such data~~
 67 ~~shall also include a secure unique identifier, determined according to the specifications of~~
 68 ~~the council in consultation with the State Board of Pardons and Paroles, which shall be a~~
 69 ~~representation of the last four digits of the social security number associated with each~~
 70 ~~person. The council shall provide the State Board of Pardons and Paroles with the software~~
 71 ~~required to generate such secure unique identifier. Such data shall be in electronic format~~
 72 ~~as required by the council Reserved.~~"

73 **SECTION 2-3.**

74 Said title is further amended in Code Section 15-12-60, relating to qualifications of grand
 75 jurors and impact of ineligibility, by revising subsection (c) as follows:

76 "(c) ~~The following individuals shall not be eligible to serve as a grand juror:~~

77 ~~(1) Any individual who has been convicted of a felony in a state or federal court who has~~
 78 ~~not had his or her civil rights restored;~~

79 ~~(2) Any individual who has been judicially determined to be mentally incompetent shall~~
 80 ~~not be eligible to serve as a grant juror;~~

81 ~~(3) Any individual charged with a felony offense and who is in a pretrial release~~
 82 ~~program, a pretrial release and diversion program, or a pretrial intervention and diversion~~
 83 ~~program, as provided for in Article 4 of Chapter 18 of Title 15 or Article 4 of Chapter 3~~
 84 ~~of Title 42 or pursuant to Uniform Superior Court Rule 27, a similar diversion program~~
 85 ~~from another state, or a similar federal court diversion program for a felony offense;~~

86 ~~(4) Any individual sentenced for a felony offense pursuant to Code Section 16-13-2 who~~
 87 ~~has not completed the terms of his or her sentence;~~

88 ~~(5) Any individual serving a sentence for a felony offense pursuant to Article 3 of~~
 89 ~~Chapter 8 of Title 42 or serving a first offender sentence for a felony offense pursuant to~~
 90 ~~another state's law; and~~

91 ~~(6) Any individual who is participating in a drug court division, mental health court~~
 92 ~~division, veterans court division, a similar court program from another state, or a similar~~
 93 ~~federal court program for a felony offense."~~

94 **SECTION 2-4.**

95 Said title is further amended in Code Section 15-12-163, relating to challenges for cause,
 96 hearing of evidence, and when objection made be had to a juror, by revising subsection (b)
 97 as follows:

98 "(b) The state or the accused may make any of the following objections to the juror:

- 99 (1) That the juror is not a citizen, resident in the county;
 100 (2) That the juror is under 18 years of age;
 101 (3) That the juror is incompetent to serve because of mental illness or intellectual
 102 disability, or that the juror is intoxicated;
 103 (4) That the juror is so near of kin to the prosecutor, the accused, or the victim as to
 104 disqualify the juror by law from serving on the jury; or
 105 ~~(5) That the juror has been convicted of a felony in a federal court or any court of a state~~
 106 ~~of the United States and the juror's civil rights have not been restored; or~~
 107 ~~(6) That the juror is unable to communicate in the English language."~~

108 **PART III**

109 **SECTION 3-1.**

110 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 111 is amended in Code Section 43-1-19, relating to refusal to grant, revocation, and
 112 reinstatement of licenses by professional licensing boards, surrender, and probationary
 113 license, by revising paragraphs (3) and (4) of subsection (a) and subsection (q) as follows:

114 ~~“(3) Been convicted of any felony or of any crime involving moral turpitude in the courts~~
115 ~~of this state or any other state, territory, or country or in the courts of the United States;~~
116 ~~as used in this paragraph, paragraph (4) of this subsection, and subsection (q) of this Code~~
117 ~~section, the term 'felony' shall include any offense which, if committed in this state,~~
118 ~~would be deemed a felony, without regard to its designation elsewhere; and, as used in~~
119 ~~this paragraph and subsection (q) of this Code section, the term 'conviction' shall include~~
120 ~~a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the~~
121 ~~conviction has been sought~~ Reserved;

122 (4)(A) ~~Been arrested, charged, and sentenced for the commission of any felony, or any~~
123 ~~crime involving moral turpitude, when:~~

124 (i) ~~A sentence for such offense was imposed pursuant to Article 3 of Chapter 8 of~~
125 ~~Title 42 or another state's first offender laws;~~

126 (ii) ~~A sentence for such offense was imposed pursuant to subsection (a) or (c) of~~
127 ~~Code Section 16-13-2;~~

128 (iii) ~~A sentence for such offense was imposed as a result of a plea of nolo contendere;~~
129 ~~or~~

130 (iv) ~~An adjudication of guilt or sentence was otherwise withheld or not entered on the~~
131 ~~charge.~~

132 (B) ~~An order entered pursuant to subsection (a) or (c) of Code Section 16-13-2,~~
133 ~~Article 3 of Chapter 8 of Title 42, or another state's first offender treatment order shall~~
134 ~~be conclusive evidence of an arrest and sentencing for such offense~~ Reserved;

135 ~~“(q)(1) Notwithstanding paragraphs (3) and (4) of subsection (a) of this Code section or~~
136 ~~any other provision of law, and unless~~ Unless a felony or crime involving moral turpitude
137 directly relates to the occupation for which the license is sought or held, no professional
138 licensing board shall refuse to grant a license to an applicant therefor or shall revoke the
139 license of an individual licensed by that board due solely or in part to such applicant's or
140 licensee's:

- 141 (A) Conviction of any felony or any crime involving moral turpitude, whether it
142 occurred in the courts of this state or any other state, territory, or country or in the
143 courts of the United States;
- 144 (B) Arrest, charge, and sentence for the commission of such offense;
- 145 (C) Sentence for such offense pursuant to Article 3 of Chapter 8 of Title 42 or another
146 state's first offender laws;
- 147 (D) Sentence for such offense pursuant to subsection (a) or (c) of Code
148 Section 16-13-2;
- 149 (E) Sentence for such offense as a result of a plea of nolo contendere;
- 150 (F) Adjudication of guilt or sentence was otherwise withheld or not entered; or
- 151 (G) Being under supervision by a community supervision officer, as such term is
152 defined in Code Section 42-3-1, for a conviction of any felony or any crime involving
153 moral turpitude, whether it occurred in the courts of this state or any other state,
154 territory, or country or in the courts of the United States, so long as such individual was
155 not convicted of a felony violation of Chapter 5 of Title 16 nor convicted of a crime
156 requiring registration on the state sexual offender registry.
- 157 (2) In determining if a felony or crime involving moral turpitude directly relates to the
158 occupation for which the license is sought or held, the professional licensing board shall
159 consider:
- 160 (A) The nature and seriousness of such felony or crime involving moral turpitude and
161 the relationship of such felony or crime involving moral turpitude to the occupation for
162 which the license is sought or held;
- 163 (B) The age of the individual at the time such felony or crime involving moral
164 turpitude was committed;
- 165 (C) The length of time elapsed since such felony or crime involving moral turpitude
166 was committed;

167 (D) All circumstances relative to such felony or crime involving moral turpitude,
168 including, but not limited to, mitigating circumstances or social conditions surrounding
169 the commission of such felony or crime involving moral turpitude; and

170 (E) Evidence of rehabilitation and present fitness to perform the duties of the
171 occupation for which the license is sought or held.

172 (3) As used in this subsection, the term 'felony' shall include any offense which, if
173 committed in this state, would be deemed a felony, without regard to its designation
174 elsewhere; and the term 'conviction' shall include a finding or verdict of guilty or a plea
175 of guilty, regardless of whether an appeal of the conviction has been sought."

176 **SECTION 3-2.**

177 Said title is further amended by revising Code Section 43-1-27, relating to licensee required
178 to notify licensing authority of felony conviction, as follows:

179 "43-1-27.

180 Any licensed individual who is convicted under the laws of this state, the United States, or
181 any other state, territory, or country of a felony as defined in paragraph (3) of
182 subsection ~~(a)~~(q) of Code Section 43-1-19 shall be required to notify the appropriate
183 licensing authority of the conviction within ten days of the conviction. The failure of a
184 licensed individual to notify the appropriate licensing authority of a conviction shall be
185 considered grounds for revocation of his or her license, permit, registration, certification,
186 or other authorization to conduct a licensed profession."

187 **SECTION 3-3.**

188 Said title is further amended in Code Section 43-3-27, relating to notification of conviction,
189 time limit, and suspension relative to accountants, by revising subsection (a) as follows:

190 "(a) Any individual issued a license or certification under this chapter or providing services
191 under substantial equivalency practice privileges and convicted under the laws of this state,

192 the United States, any other state, or any other country of a felony as defined in
 193 paragraph (3) of subsection (a)(q) of Code Section 43-1-19 shall be required to notify the
 194 board of such conviction within 30 days of such conviction. The failure of such individual
 195 to notify the board of a conviction shall be considered grounds for revocation of his or her
 196 license or other authorization issued pursuant to this chapter."

197 **SECTION 3-4.**

198 Said title is further amended in Code Section 43-6-18, relating to grounds for revocation or
 199 suspension of an auctioneer license and censure of licensees, by revising paragraphs (4), (6),
 200 and (7) as follows:

201 ~~"(4) Being convicted in a court of competent jurisdiction of this or any other state of a~~
 202 ~~criminal offense involving moral turpitude or a felony~~ Reserved;"

203 "(6) Any conduct of any auctioneer in connection with his or her auction business which
 204 demonstrates bad faith, dishonesty, incompetency, or untruthfulness;

205 (7) Any conduct of an auctioneer in connection with his or her auction business which
 206 demonstrates improper, fraudulent, or dishonest dealings;"

207 **SECTION 3-5.**

208 Said title is further amended in Code Section 43-10-20, relating to teaching of barbering or
 209 the practice of a cosmetologist in prisons and certification of registration, by revising
 210 subsection (b) as follows:

211 "(b) The board shall be required to test an inmate who is an applicant for a certificate or
 212 registration under this chapter who has completed successfully a barber or cosmetologist
 213 training program operated by the Department of Corrections and who meets the
 214 requirements stated in Code Section 43-10-9. If such inmate passes the applicable written
 215 and practical examinations, the board may issue the appropriate certificate of registration
 216 to such inmate after consideration of all requirements under Code Sections 43-10-9

217 and 43-1-19; provided, however, that the board shall not apply the provisions of paragraph
218 (4) of subsection (a) of Code Section 43-1-19 to such inmate based solely upon such
219 person's status as an inmate and shall apply such provisions in the same manner as would
220 otherwise be applicable to an applicant who is not an inmate."

221 **SECTION 3-6.**

222 Said title is further amended in Code Section 43-14-6, relating to powers and duties of
223 divisions relative to electrical contractors, plumbers, conditioned air contractors, low-voltage
224 contractors, and utility contractors, by revising paragraph (4) of subsection (a) as follows:

225 "(4) After notice and hearing, have the power to reprimand any person, licensee, or
226 certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse
227 to grant, renew, or restore a license or certificate to any person, licensee, or certificate
228 holder upon any one of the following grounds:

229 (A) The commission of any false, fraudulent, or deceitful act or the use of any forged,
230 false, or fraudulent document in connection with the license or certificate requirements
231 of this chapter or the rules and regulations of the board;

232 (B) Failure at any time to comply with the requirements for a license or certificate
233 under this chapter or the rules and regulations of the board;

234 (C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to
235 such an extent as to render the license or certificate holder unsafe or unfit to practice
236 any profession licensed or certified under this chapter;

237 (D) Engaging in any dishonorable or unethical conduct in connection with a practice
238 or profession licensed or certified under this chapter that is likely to deceive, defraud,
239 or harm the public;

240 (E) Knowingly performing any act which in any way assists an unlicensed or
241 noncertified person to practice such profession;

- 242 (F) Violating, directly or indirectly, or assisting in or abetting any violation of any
 243 provision of this chapter or any rule or regulation of the board;
- 244 (G) The performance of any faulty, inadequate, inefficient, or unsafe electrical,
 245 plumbing, low-voltage contracting, utility contracting, or conditioned air contracting
 246 likely to endanger life, health, or property. The performance of any work that does not
 247 comply with the standards set by state codes or by local codes in jurisdictions where
 248 such codes are adopted, provided that such local codes are as stringent as the state
 249 codes, or by other codes or regulations which have been adopted by the board, shall be
 250 prima-facie evidence of the faulty, inadequate, inefficient, or unsafe character of such
 251 electrical, plumbing, low-voltage contracting, utility contracting, or conditioned air
 252 contracting; provided, however, that the board, in its sole discretion, for good cause
 253 shown and under such conditions as it may prescribe, may restore a license to any
 254 person whose license has been suspended or revoked;
- 255 (H) With respect to utility contractors, the bidding by such a utility contractor in excess
 256 of license coverage; or
- 257 (I) With respect to utility contractors, violations of Chapter 9 of Title 25;"

258

SECTION 3-7.

259 Said title is further amended in Code Section 43-24A-9, relating to provisional permits
 260 relative to massage therapy practice, by revising paragraph (4) of subsection (a) as follows:

261 "(4) Has not been convicted of a felony in the courts of this state, any other state,
 262 territory, or country, or in the courts of the United States, including, but not limited to,
 263 a plea of nolo contendere entered to such charge or the affording of first offender
 264 treatment to any such charge ~~in the same manner as provided in paragraph (4) of~~
 265 ~~subsection (a) of Code Section 43-1-19 pursuant to Article 3 of Chapter 8 of Title 42 or~~
 266 another state's first offender laws."

267

PART IV

268

SECTION 4-1.

269 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by
270 adding a new Code section to read as follows:

271 "44-7-3.1.

272 (a) As used in this Code section, the term 'residential dwelling' or 'dwelling' means a
273 structure or part of a structure that is designed or used for human habitation. Such term
274 shall include, without limitation, a single-family home, a townhome, a mobile home, an
275 apartment, and an individual condominium unit.

276 (b) No owner of a residential dwelling who offers such dwelling for lease or solicits offers
277 for the lease of such dwelling shall refuse to lease such dwelling to an individual based
278 solely on such individual's criminal history; provided, however, that nothing in this
279 subsection shall prohibit a person from refusing to lease a residential dwelling to any
280 individual based solely or in part on such individual:

281 (1) Having been convicted of any offense that requires such individual to register on the
282 state sexual offender registry pursuant to Code Section 42-1-12;

283 (2) Being a sexual offender, as defined in Code Section 42-1-12; or

284 (3) Being included on the state sexual offender registry of this state, on the National Sex
285 Offender Registry, or on the sexual offender registry or child abuse registry of any other
286 state, a United States territory, the District of Columbia, or any American Indian tribe.

287 (c) A violation of subsection (b) of this Code section shall constitute an unfair and
288 deceptive act or practice under Part 2 of Article 15 of Chapter 1 of Title 10, the 'Fair
289 Business Practices Act of 1975,' and all public and private remedies available under such
290 part shall be available with regard to such a violation."

291

PART V

292

SECTION 5-1.

293 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 294 is amended in Code Section 45-17-2.1, relating to application to be a notary and
 295 endorsements and declarations, by revising paragraph (2) of subsection (a) as follows:

296 "(2) The applicant shall sign and swear or affirm as outlined in paragraph (2) of
 297 subsection (b) of this Code section to the truthfulness of the application which shall state:

298 (A) That the applicant resides or works or has a business in the county of application
 299 and the address of the residence or business. The applicant shall use his or her
 300 residential address for purposes of the application and may only use a business address
 301 for the application if the applicant is applying pursuant to the provisions of Code
 302 Section 45-17-7;

303 (B) That the applicant is at least 18 years old;

304 (C) That the applicant can read and write the English language;

305 (D) That the applicant has an operating telephone number; and

306 (E) All denials, revocations, suspensions, restrictions, or resignations of a notary
 307 commission held by the applicant; ~~and~~

308 ~~(F) All criminal convictions of the applicant, including any plea of nolo contendere,~~
 309 ~~except minor traffic violations."~~

310

SECTION 5-2.

311 Said title is further amended by revising Code Section 45-17-2.3, relating to grant or denial
 312 of commission or recommission, grounds, and unauthorized practice of law, as follows:

313 "45-17-2.3.

314 (a) After an applicant submits to the clerk of superior court of the county the application,
 315 endorsements, and declaration of applicant as required in Code Section 45-17-2.1, the clerk

316 of superior court shall either grant or deny a commission or recommission as a notary
317 public within ten days following the applicant's submission of the necessary documents.

318 (b) The clerk of superior court may in his or her discretion deny a commission or
319 recommission to an applicant based on any of the following grounds:

320 (1) ~~The applicant's criminal history;~~

321 (2) Revocation, suspension, or restriction of any notary commission or professional
322 license issued to the applicant by this or any other state;

323 (3)(2) The commission in this or any state of any act enumerated in subsection (a) of
324 Code Section 45-17-15, whether or not criminal penalties or commission suspension or
325 revocation resulted; or

326 (4)(3) The applicant is found by the State Bar of Georgia, a court of this state, or a court
327 of any other state to have engaged in the unauthorized practice of law.

328 (c) Any applicant who is denied a notarial commission or recommission by the clerk of
329 superior court shall upon demand be allowed a hearing and adjudication before the superior
330 court clerk with a right of de novo appeal to the superior court, such appeal to be
331 determined by the court without the intervention of a jury."

332 **PART VI**

333 **SECTION 6-1.**

334 This Act shall become effective upon its approval by the Governor or upon its becoming law
335 without such approval.

336 **SECTION 6-2.**

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