

House Bill 433 (AS PASSED HOUSE AND SENATE)

By: Representatives Ballinger of the 23rd, Camp of the 135th, Rice of the 139th, O'Steen of the 169th, Mathiak of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to Georgia Crime Information Center, so as to provide that the Department of
3 Human Services shall be authorized to access restricted and sealed information to determine
4 eligibility for employment, verify eligibility for foster parents, or conduct regulatory
5 oversight in certain instances; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
10 Georgia Crime Information Center, is amended by revising paragraph (6) of subsection (a),
11 by revising subparagraphs (v)(1)(E) and (v)(1)(F), and by adding a new subparagraph to
12 paragraph (1) of subsection (v) of Code Section 35-3-37, relating to criminal history record
13 information, review, corrections, and restriction of access for certain dispositions, to read as
14 follows:

15 "(6) 'Restrict,' 'restricted,' or 'restriction' means that the criminal history record
16 information of an individual relating to a particular offense shall be available only to

17 judicial officials and criminal justice agencies for law enforcement or criminal
18 investigative purposes or to criminal justice agencies for purposes of employment in
19 accordance with procedures established by the center or to the Department of Human
20 Services in accordance with subparagraph (v)(1)(G) of this Code section and shall not be
21 disclosed or otherwise made available to any private persons or businesses pursuant to
22 Code Section 35-3-34 or to governmental agencies or licensing and regulating agencies
23 pursuant to Code Section 35-3-35."

24 "(E) Pursuant to a court order; ~~and~~

25 (F) By an individual who is the subject of restricted criminal history record information
26 or sealed court files; and

27 (G) By the Department of Human Services to conduct regulatory oversight, as
28 authorized by Articles 1 and 3 of Chapter 5 of Title 49, Article 1 of Chapter 2 of Title
29 49, and any promulgated rules, regulations, or policies; to verify eligibility for
30 prospective or existing foster parents or adults in the home of such foster parents, as
31 authorized by Article 1 of Chapter 2 of Title 49 and any promulgated rules, regulations,
32 or policies; or to verify eligibility for prospective and existing employees and
33 contractors, as authorized by Article 1 of Chapter 2 of Title 49 and any promulgated
34 rules, regulations, or policies."

35 **SECTION 2.**

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