

ADOPTED

Representative Efstration of the 104th et al. offer the following amendment:

1 *Amend the Senate substitute to SB 207 (SFA 1/AM 49 0279) by replacing lines 3 through the*
2 *end with the following:*

3 To amend Titles 33 and 43 of the Official Code of Georgia Annotated, relating to insurance
4 and professions and businesses, respectively, so as to create a preclearance process in the
5 licensing of individuals with criminal records who make an application to or are investigated
6 by certain licensing boards and commissions; to provide for definitions; to require certain
7 licensing authorities to provide evidence to support adverse licensing decisions based on
8 criminal convictions; to require a hearing prior to denying certain applicants on the basis of
9 an individual's criminal record; to establish findings that shall be made and evidence that
10 shall and shall not be considered prior to refusing to grant certain licenses based on certain
11 criminal convictions; to allow an applicant to submit his or her own criminal record when
12 applying for certain licenses; to provide for reapplication for licensure; to authorize and
13 provide a process and requirements for predetermination decisions; to require certain
14 licensure application information be included in certain applications and posted on a public
15 website; to require certain annual reports concerning certain applications, predeterminations,
16 and conviction records to be filed with the Secretary of State; to amend Chapter 4 of Title
17 25 of the Official Code of Georgia Annotated, relating to firefighter standards and training,
18 so as to provide for the reporting of guilty pleas taken under first offender treatment to obtain
19 employment as a firefighter; to amend Article 2 of Chapter 3 of Title 35 of the Official Code
20 of Georgia Annotated, relating to Georgia Crime Information Center, so as to provide for
21 criminal history record information restrictions for certain persons charged with or convicted
22 of certain criminal offenses; to provide that restricted criminal history record information
23 shall be available to criminal justice agencies; to provide for petitions; to provide for criminal

24 history record information restriction for persons granted a pardon for certain offenses; to
25 amend Article 3 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating
26 to first offenders, so as to revise the procedure for petitioning for exoneration and discharge
27 when an individual has qualified for sentencing as a first offender; to provide for exceptions
28 to retroactively granting first offender treatment; to amend Code Section 17-10-21 of the
29 Official Code of Georgia Annotated, relating to vacating of sentence for trafficking victim
30 defendants, so as to provide for filing under seal; to provide for related matters; to provide
31 for effective dates and applicability; to repeal conflicting laws; and for other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **PART I**
34 **SECTION 1-1.**

35 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
36 is amended by revising Code Section 43-1-1, relating to definitions, as follows:

37 "43-1-1.

38 As used in this title, the term:

39 (1) 'Conviction' means a finding or verdict of guilty or a plea of guilty, regardless of
40 whether an appeal of such finding, verdict, or plea has been sought.

41 (2) 'Covered misdemeanor' means any:

42 (A) Misdemeanor conviction in the five years prior to the submission of the licensing
43 application; and

44 (B) Misdemeanor conviction listed in subparagraph (j)(4)(B) of Code Section 35-3-37,
45 irrespective of the date of such conviction.

46 ~~(1)~~(3) 'Division' means the professional licensing boards division created under Code
47 Section 43-1-2.

48 ~~(2)~~(4) 'Division director' means the individual appointed by the Secretary of State as
 49 director of the professional licensing boards division within the office of the Secretary
 50 of State.

51 (5) 'Felony' means any offense which, if committed in this state, would be deemed a
 52 felony, without regard to its designation elsewhere.

53 ~~(3)~~(6) 'Professional licensing board' means any board, bureau, commission, or other
 54 agency of the executive branch of state government which is created for the purpose of
 55 licensing or otherwise regulating or controlling any profession, business, or trade and
 56 which is placed by law under the jurisdiction of the division director ~~of the professional~~
 57 ~~licensing boards division within the office of the Secretary of State."~~

58 **SECTION 1-2.**

59 Said title is further amended in Code Section 43-1-19, relating to a professional licensing
 60 board's authority to refuse, grant, revoke, and reinstate licenses, surrender of licenses, and
 61 probationary licenses, by adding a new subsection to read as follows:

62 "(a.1) Before the professional licensing board may deny an applicant a license under
 63 subsection (a) of this Code section due to his or her criminal record, such applicant shall
 64 be entitled to a hearing before the professional licensing board upon a timely written
 65 request in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 66 Act."

67 **SECTION 1-3.**

68 Said title is further amended in Code Section 43-1-19, relating to a professional licensing
 69 board's authority to refuse, grant, revoke, and reinstate licenses, surrender of licenses, and
 70 probationary licenses, by revising subsection (j) as follows:

71 "(j) Neither the issuance of a private reprimand nor the denial of a license by reciprocity
 72 nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a

73 ~~previously denied license~~ shall be considered to be a contested case within the meaning of
 74 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing
 75 within the meaning of such chapter shall not be required, but the applicant or licensee shall
 76 be allowed to appear before the board if he or she so requests. A board may resolve a
 77 pending action by the issuance of a letter of concern. Such letter shall not be considered
 78 a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be
 79 disclosed to any person except the licensee or applicant."

80 SECTION 1-4.

81 Said title is further amended in Code Section 43-1-19, relating to a professional licensing
 82 board's authority to refuse, grant, revoke, and reinstate licenses, surrender of licenses, and
 83 probationary licenses, by revising subsection (q) as follows:

84 "(q)(1) Notwithstanding paragraphs (3) and (4) of subsection (a) of this Code section or
 85 any other provision of law, ~~and unless~~ the professional licensing board shall refuse to
 86 grant a license to an individual or shall revoke a license only if a felony or ~~crime~~
 87 ~~involving moral turpitude~~ covered misdemeanor directly relates to the occupation for
 88 which the license is sought or held, no professional licensing board shall refuse to grant
 89 a license to an applicant therefor or shall revoke the license of an individual licensed by
 90 that board due solely or in part to such applicant's or licensee's:

91 (A) Conviction of any felony or any ~~crime involving moral turpitude~~ covered
 92 misdemeanor, whether it occurred in the courts of this state or any other state, territory,
 93 or country or in the courts of the United States;

94 (B) Arrest, charge, and sentence for the commission of such offense;

95 (C) Sentence for such offense pursuant to Article 3 of Chapter 8 of Title 42 or another
 96 state's first offender laws;

97 (D) Sentence for such offense pursuant to subsection (a) or (c) of Code Section
 98 16-13-2;

- 99 (E) Sentence for such offense as a result of a plea of nolo contendere;
- 100 (F) Adjudication of guilt or sentence was otherwise withheld or not entered; or
- 101 (G) Being under supervision by a community supervision officer, as such term is
- 102 defined in Code Section 42-3-1, for a conviction of any felony or any ~~crime involving~~
- 103 ~~moral turpitude~~ covered misdemeanor, whether it occurred in the courts of this state or
- 104 any other state, territory, or country or in the courts of the United States, so long as such
- 105 individual was not convicted of a felony violation of Chapter 5 of Title 16 nor
- 106 convicted of a crime requiring registration on the state sexual offender registry.
- 107 (2) In determining if a felony or ~~crime involving moral turpitude~~ covered misdemeanor
- 108 directly relates to the occupation for which the license is sought or held, the professional
- 109 licensing board shall consider:
- 110 (A) The nature and seriousness of such felony or ~~crime involving moral turpitude~~
- 111 covered misdemeanor and the relationship of ~~such felony or crime involving moral~~
- 112 ~~turpitude~~ the criminal conduct to the duties and responsibilities of the occupation for
- 113 which the license is sought or held;
- 114 (B) The age of the individual at the time such felony or ~~crime involving moral~~
- 115 ~~turpitude~~ covered misdemeanor was committed;
- 116 (C) The length of time elapsed since such felony or ~~crime involving moral turpitude~~
- 117 covered misdemeanor was committed;
- 118 (D) All circumstances relative to such felony or ~~crime involving moral turpitude~~
- 119 covered misdemeanor, including, but not limited to, mitigating circumstances or social
- 120 conditions surrounding the commission of such felony or ~~crime involving moral~~
- 121 ~~turpitude~~ covered misdemeanor; and
- 122 (E) Evidence of rehabilitation and present fitness to perform the duties of the
- 123 occupation for which the license is sought or held-, including, but not limited to:
- 124 (i) The completion of the criminal sentence;
- 125 (ii) A program and treatment certificate issued by the Board of Corrections;

- 126 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
127 treatment program;
- 128 (iv) Testimonials and recommendations, which may include a progress report from
129 the individual's probation or parole officer;
- 130 (v) Education and training;
- 131 (vi) Employment history;
- 132 (vii) Employment aspirations;
- 133 (viii) The individual's current family or community responsibilities, or both;
- 134 (ix) Whether a bond is required to practice the occupation;
- 135 (x) Any affidavits or other written documents, including, but not limited to, character
136 references; and
- 137 (xi) Any other information regarding rehabilitation the individual submits to the
138 board.
- 139 (3) Notwithstanding any other provision of law, a professional licensing board shall
140 provide individualized consideration of an individual's criminal record and shall not
141 automatically deny licensure on the basis of the individual's criminal record.
- 142 (4)(A) If an applicant's criminal record includes issues that will or may prevent the
143 board from issuing a license to the applicant, the board shall notify the applicant, in
144 writing, of the specific issues in sufficient time for the applicant to provide additional
145 documentation supporting the application before the board's final decision to deny the
146 application. After receiving notice of any potential issue with licensure due to his or
147 her criminal convictions, an applicant shall have 30 days to respond by correcting any
148 inaccuracy in the criminal record or by submitting additional evidence of mitigation or
149 rehabilitation for the board's consideration, or both.
- 150 (B) For the professional licensing board to deny a license on the basis of the applicant's
151 criminal convictions, the board shall first provide an opportunity for a hearing for such
152 applicant in accordance with Chapter 13 of Title 50, the 'Georgia Administrative

153 Procedure Act.' The applicant shall have the opportunity at such hearing to present the
154 written or oral testimony of character witnesses, including, but not limited to, family
155 members, friends, prospective employers, probation or parole officers, and
156 rehabilitation counselors. The professional licensing board shall issue a decision within
157 60 days of the complete submission of the issues for consideration or the hearing,
158 whichever is later.

159 (C) The professional licensing board shall determine, after a hearing, whether it is
160 more likely than not that an applicant's criminal record supports an adverse licensing
161 decision. If the board denies an applicant a license by reason of the applicant's criminal
162 record, the board shall:

163 (i) Make written findings specifying any of the applicant's convictions and the factors
164 provided for in paragraph (2) of this subsection the board deemed directly relevant
165 and explaining the basis and rationale for the denial. Such written findings shall be
166 signed by the board's presiding officer and shall note the applicant's right to appeal
167 and explain the applicant's ability to reapply. No applicant shall be restricted from
168 reapplying for licensure more than two years from the date of the most recent
169 application;

170 (ii) Provide or serve a signed copy of the written findings to the applicant within 60
171 days of the denial; and

172 (iii) Retain a signed copy of the written findings for no less than five years.

173 (D) The denial of a license in part or in whole because of the applicant's criminal
174 record shall constitute a contested case as defined in Code Section 50-13-2. In an
175 administrative hearing reviewing the denial of a license, the applicant shall have the
176 burden of proving that his or her criminal record does not directly relate to the
177 occupation for which the license is sought.

178 (5)(A) Notwithstanding any other provision of law, an individual with a criminal
179 record may petition a professional licensing board at any time, including while

180 incarcerated and before starting or completing any required professional qualifications
181 for licensure, for a predetermination as to whether such individual's criminal record will
182 disqualify him or her from obtaining a license.

183 (B) The petition for predetermination shall include the individual's criminal record or
184 authorize the board to obtain the individual's criminal record. Such petition shall also
185 include any information the petitioner chooses to submit concerning the circumstances
186 of his or her record and his or her rehabilitation.

187 (C) In considering predetermination petitions, the professional licensing board shall
188 apply the direct relationship standard in paragraphs (1) and (2) of this subsection. The
189 board shall support any adverse predetermination by determining whether it is more
190 likely than not that a criminal record supports an adverse licensing decision.

191 (D) A predetermination made under this paragraph that a petitioner is eligible for a
192 license shall be binding on the professional licensing board only if the petitioner applies
193 for licensure and fulfills all other requirements for the occupational license and the
194 petitioner's submitted criminal record was correct and remains unchanged at the time
195 of his or her application for a license.

196 (E) If a petitioner's criminal record includes matters that may disqualify the petitioner
197 from licensure, the board shall notify the petitioner of the potentially disqualifying
198 convictions. The letter of concern shall advise the petitioner of his or her opportunity
199 to submit additional evidence of rehabilitation and mitigation or for a hearing, or both.

200 (F) The professional licensing board may predetermine that the petitioner's criminal
201 record is likely grounds for denial of a license only after the board has held a hearing
202 on the petitioner's eligibility in accordance with Chapter 13 of Title 50, the 'Georgia
203 Administrative Procedure Act.' The hearing shall be held in person, by remote video,
204 or by teleconference within 60 days of receipt of the predetermination petition. The
205 individual shall have the opportunity to offer written or oral testimony of character
206 witnesses at the hearing, including but not limited to family members, friends, past or

207 prospective employers, probation or parole officers, and rehabilitation counselors. The
208 professional licensing board shall not make an adverse inference by a petitioner's
209 decision to forgo a hearing or character witnesses. The board shall issue a final
210 decision within 60 days of complete submission of the issue for consideration or the
211 hearing, whichever is later.

212 (G) If the professional licensing board decides that a predetermination petitioner is
213 ineligible for a license, the board shall notify the petitioner of the following:

214 (i) The grounds and rationale for the predetermination, including any of the
215 petitioner's specific convictions and the factors in paragraph (2) of this subsection the
216 board deemed directly relevant;

217 (ii) An explanation of the process and right to appeal the board's predetermination
218 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';
219 and

220 (iii) Any actions the petitioner may take to remedy the disqualification. An
221 individual who receives a predetermination of ineligibility may submit a revised
222 petition reflecting completion of the remedial actions. The individual may submit a
223 new petition to the board not before one year following a final judgment on his or her
224 initial petition or upon completing the remedial actions, whichever is earlier.

225 (H) The denial of a predetermination petition because of the applicant's criminal record
226 shall constitute a contested case as defined in Code Section 50-13-2. In an
227 administrative hearing reviewing the denial of a predetermination petition, the applicant
228 shall have the burden of proving that his or her criminal record does not directly relate
229 to the licensed occupation.

230 (6) Each professional licensing board shall include in its application for licensure and on
231 its public website all of the following information:

232 (A) Whether the board requires applicants to consent to a criminal record check;

233 (B) The direct relationship standard in paragraph (1) of this subsection and those
 234 factors provided for in paragraph (2) of this subsection that the board shall consider
 235 when making a determination of licensure;

236 (C) The appeals process pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
 237 Procedure Act,' if the board denies or revokes licensure in whole or in part because of
 238 a criminal conviction; and

239 (D) The predetermination petition process, standards, and application, as well as the
 240 process for appealing an adverse predetermination pursuant to Chapter 13 of Title 50,
 241 the 'Georgia Administrative Procedure Act.'

242 (7) No later than March 31 each year, each occupational licensing board shall file with
 243 the Secretary of State an annual report containing information from the previous year as
 244 to:

245 (A) The number of applicants for a license and, of that number, the number of licenses
 246 granted;

247 (B) The number of applicants with a criminal record and, of that number, the number
 248 of licenses granted, denied a license for any reason, and denied a license due to a
 249 conviction or state supervision status; and

250 (C) The number of predetermination petitioners and, of that number, the number
 251 deemed eligible for a license and the number deemed ineligible for a license."

252 **SECTION 1-5.**

253 Said title is further amended by revising Code Section 43-1-27, relating to requirement that
 254 licensee notify licensing authority of felony conviction, as follows:

255 "43-1-27.

256 Any licensed individual who is convicted under the laws of this state, the United States, or
 257 any other state, territory, or country of a felony as defined in ~~paragraph (3) of subsection~~
 258 ~~(a) of Code Section 43-1-19~~ 43-1-1 shall be required to notify the appropriate licensing

259 authority of the conviction within ten days of the conviction. The failure of a licensed
 260 individual to notify the appropriate licensing authority of a conviction shall be considered
 261 grounds for revocation of his or her license, permit, registration, certification, or other
 262 authorization to conduct a licensed profession."

263 **SECTION 1-6.**

264 Said title is further amended by revising Code Section 43-15-19, relating to revocation,
 265 suspension, or denial of certificates, certificates of registration, or licenses, and reprimands,
 266 as follows:

267 "43-15-19.

268 (a) The board shall have the power, after notice and hearing, to deny any application made
 269 to it, to revoke or suspend any certificate, certificate of registration, or license issued by it,
 270 or to reprimand any individual holding a certificate, certificate of registration, or license
 271 issued by it, upon the following grounds:

272 (1) Commission of any fraud or deceit in obtaining a certificate, certificate of
 273 registration, or license;

274 (2) Any gross negligence, incompetency, or unprofessional conduct in the practice of
 275 professional engineering or land surveying as a professional engineer or a professional
 276 land surveyor, respectively;

277 (3) Affixing a seal to any plan, specification, plat, or report contrary to Code Section
 278 43-15-22;

279 (4) Conviction of a felony or ~~crime involving moral turpitude~~ covered misdemeanor as
 280 defined in Code Section 43-1-1 in the courts of this state, the United States, or any state
 281 or territory of the United States or the conviction of an offense in another jurisdiction
 282 which, if committed in this state, would be deemed a felony. 'Conviction' shall include
 283 a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal
 284 proceeding, ~~regardless of whether the adjudication of guilt or sentence is withheld or not~~

285 ~~entered thereon pursuant to Article 3 of Chapter 8 of Title 42 or any comparable rule or~~
 286 ~~statute~~ but shall not include a conviction that has been pardoned; or

287 (5) Any violation of this chapter or any rule or regulation promulgated by the board
 288 pursuant to the powers conferred on it by this chapter.

289 (b) 'Unprofessional conduct,' as referred to in paragraph (2) of subsection (a) of this Code
 290 section, includes a violation of those standards of professional conduct for professional
 291 engineers and professional land surveyors adopted by the board pursuant to the power
 292 conferred upon it to promulgate rules and regulations to effectuate the duties and powers
 293 conferred on it by this chapter."

294 SECTION 1-7.

295 Said title is further amended by adding a new Code section to read as follows:

296 "43-15-19.1.

297 (a) Notwithstanding any other provision of law, an individual with a criminal record may
 298 petition the board at any time, including while incarcerated and before starting or
 299 completing any required professional qualifications for licensure, for a predetermination
 300 as to whether the individual's criminal record will disqualify him or her from obtaining a
 301 license.

302 (b) The petition for predetermination shall include the individual's criminal record or
 303 authorize the board to obtain the individual's criminal record. The petition shall also
 304 include any information the petitioner chooses to submit concerning the circumstances of
 305 his or her record and his or her rehabilitation.

306 (c) The board shall support any adverse predetermination by determining whether it is
 307 more likely than not that a criminal record supports an adverse licensing decision.

308 (d) A predetermination made under this Code section that a petitioner is eligible for a
 309 license shall be binding on the board only if the petitioner applies for licensure and fulfills

310 all other requirements for the licensure and the petitioner's submitted criminal record was
311 correct and remains unchanged at the time of his or her application for a license.

312 (e) If a petitioner's criminal record includes matters that may disqualify the petitioner from
313 licensure, the board shall notify the petitioner of the potentially disqualifying convictions.
314 The letter of concern shall advise the petitioner of his or her opportunity to submit
315 additional evidence of rehabilitation and mitigation or for a hearing, or both.

316 (f) The board may predetermine that the petitioner's criminal record is likely grounds for
317 denial of a license only after the board has held a hearing on the petitioner's eligibility in
318 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
319 hearing shall be held in person, by remote video, or by teleconference within 60 days of
320 receipt of the predetermination petition. The individual shall have the opportunity to
321 include character witnesses at the hearing, including but not limited to family members,
322 friends, past or prospective employers, probation or parole officers, and rehabilitation
323 counselors, who may offer their verbal or written support. The board shall not make an
324 adverse inference by a petitioner's decision to forgo a hearing or character witnesses. The
325 board shall issue a final decision within 60 days of complete submission of the issue for
326 consideration or the hearing, whichever is later.

327 (g) If the board decides that a predetermination petitioner is ineligible for a license, the
328 board shall notify the petitioner of the following:

329 (1) The grounds and rationale for the predetermination, including the specific
330 convictions and the factors in subsection (a) of Code Section 43-15-19.1 the board
331 deemed directly relevant;

332 (2) An explanation of the process and right to appeal the board's predetermination
333 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

334 (3) Any actions the petitioner may take to remedy the disqualification. An individual
335 who receives a predetermination of ineligibility may submit a revised petition reflecting
336 completion of the remedial actions. The individual may submit a new petition to the

337 board not before one year following a final judgment on his or her initial petition or upon
338 completing the remedial actions, whichever is earlier.

339 (h) The denial of a predetermination petition because of the applicant's criminal record
340 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
341 hearing reviewing the denial of a predetermination petition, the applicant shall have the
342 burden of proving that his or her criminal record does not directly relate to the licensed
343 occupation."

344 **PART II**
345 **SECTION 2-1.**

346 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
347 is amended in Chapter 3, relating to accountants, by adding a new Code section to read as
348 follows:

349 "43-3-21.1.

350 (a) Notwithstanding any other provision of law, an individual with a criminal record may
351 petition the accountancy board at any time, including while incarcerated and before starting
352 or completing any required professional qualifications for licensure, for a predetermination
353 as to whether the individual's criminal record will disqualify him or her from obtaining a
354 license.

355 (b) The petition for predetermination shall include the individual's criminal record or
356 authorize the board to obtain the individual's criminal record. The petition shall also
357 include any information the petitioner chooses to submit concerning the circumstances of
358 his or her record and his or her rehabilitation.

359 (c) The board shall support any adverse predetermination by determining whether it is
360 more likely than not that a criminal record supports an adverse licensing decision.

361 (d) A predetermination made under this Code section that a petitioner is eligible for a
362 license shall be binding on the board only if the petitioner applies for licensure and fulfills
363 all other requirements for the licensure and the petitioner's submitted criminal record was
364 correct and remains unchanged at the time of his or her application for a license.

365 (e) If a petitioner's criminal record includes matters that may disqualify the petitioner from
366 licensure, the board shall notify the petitioner of the potentially disqualifying convictions.
367 The letter of concern shall advise the petitioner of his or her opportunity to submit
368 additional evidence of rehabilitation and mitigation or for a hearing, or both.

369 (f) The board may predetermine that the petitioner's criminal record is likely grounds for
370 denial of a license only after the board has held a hearing on the petitioner's eligibility in
371 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The
372 hearing shall be held in person, by remote video, or by teleconference within 60 days of
373 receipt of the predetermination petition. The individual shall have the opportunity to
374 include character witnesses at the hearing, including but not limited to family members,
375 friends, past or prospective employers, probation or parole officers, and rehabilitation
376 counselors, who may offer their verbal or written support. The board shall not make an
377 adverse inference by a petitioner's decision to forgo a hearing or character witnesses. The
378 board shall issue a final decision within 60 days of complete submission of the issue for
379 consideration or the hearing, whichever is later.

380 (g) If the board decides that a predetermination petitioner is ineligible for a license, the
381 board shall notify the petitioner of the following:

382 (1) The grounds and rationale for the predetermination, including the specific
383 convictions and the factors in subsection (a) of Code Section 43-3-21.1 the board deemed
384 directly relevant;

385 (2) An explanation of the process and right to appeal the board's predetermination
386 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and

387 (3) Any actions the petitioner may take to remedy the disqualification. An individual
 388 who receives a predetermination of ineligibility may submit a revised petition reflecting
 389 completion of the remedial actions. The individual may submit a new petition to the
 390 board not before one year following a final judgment on his or her initial petition or upon
 391 completing the remedial actions, whichever is earlier.

392 (h) The denial of a predetermination petition because of the applicant's criminal record
 393 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
 394 hearing reviewing the denial of a predetermination petition, the applicant shall have the
 395 burden of proving that his or her criminal record does not directly relate to the licensed
 396 occupation."

397 **SECTION 2-2.**

398 Said title is further amended in Code Section 43-3-27, relating to notification by an
 399 individual issued a license or certification as an accountant of conviction, time limit, and
 400 suspension, by revising subsection (a) as follows:

401 "(a) Any individual issued a license or certification under this chapter or providing services
 402 under substantial equivalency practice privileges and convicted under the laws of this state,
 403 the United States, any other state, or any other country of a felony as defined in paragraph
 404 ~~(3) of subsection (a) of Code Section 43-1-19~~ 43-1-1 shall be required to notify the board
 405 of such conviction within 30 days of such conviction. The failure of such individual to
 406 notify the board of a conviction shall be considered grounds for revocation of his or her
 407 license or other authorization issued pursuant to this chapter."

408 **SECTION 2-3.**

409 Said title is further amended in Code Section 43-9-12, relating to refusal, suspension, or
 410 revocation of chiropractor licenses, subpoenas, other discipline, judicial review,

411 reinstatement, voluntary surrender of license, injunctions, and statement of complaint, by
 412 revising paragraphs (3) and (4) of subsection (a) as follows:

413 ~~"(3) Been convicted of any felony or covered misdemeanor of any crime involving moral~~
 414 ~~turpitude~~ in the courts of this state or any other state, territory, or country or in the courts
 415 of the United States; as used in this paragraph and paragraph (4) of this subsection, the
 416 term 'felony' shall include any offense which, if committed in this state, would be deemed
 417 a felony, without regard to its designation elsewhere; and, as used in this paragraph, the
 418 term 'conviction' shall include a finding or verdict of guilty or a plea of guilty, regardless
 419 of whether an appeal of the conviction has been sought. Any such record shall be
 420 considered in the manner prescribed by subsection (q) of Code Section 43-1-19;

421 (4) Been arrested, charged, and sentenced for the commission of any felony; ~~or any crime~~
 422 ~~involving moral turpitude; covered misdemeanor where such record is considered in the~~
 423 ~~manner prescribed by subsection (q) of Code Section 43-1-19 and:~~

424 (A) A plea of nolo contendere was entered to the charge; or

425 (B) ~~First offender treatment without adjudication of guilt pursuant to the charge was~~
 426 ~~granted; or The licensee or applicant is currently serving a sentence pursuant to Article~~
 427 ~~3 of Chapter 8 of Title 42, another state's first offender laws, or subsection (a) or (c) of~~
 428 ~~Code Section 16-13-2.~~

429 ~~(C) An adjudication or sentence was otherwise withheld or not entered on the charge.~~

430 The plea of nolo contendere or the order entered pursuant to the provisions of Article 3
 431 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender
 432 treatment shall be conclusive evidence of arrest and sentencing for such crime;"

433 SECTION 2-4.

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

437 "(b) The board shall be required to test an inmate who is an applicant for a certificate or
 438 registration under this chapter who has completed successfully a barber or cosmetologist
 439 training program operated by the Department of Corrections and who meets the
 440 requirements stated in Code Section 43-10-9. If such inmate passes the applicable written
 441 and practical examinations, the board may issue the appropriate certificate of registration
 442 to such inmate after consideration of all requirements under Code Sections 43-10-9 and
 443 43-1-19; provided, however, that the board shall not apply the provisions of ~~paragraph (4)~~
 444 of subsection (a) of Code Section 43-1-19 to such inmate based solely upon such person's
 445 status as an inmate and shall apply such provisions in the same manner as would otherwise
 446 be applicable to an applicant who is not an inmate."

447 **SECTION 2-5.**

448 Said title is further amended in Code Section 43-24A-9, relating to provisional permits for
 449 massage therapists, by revising subsection (a) as follows:

450 "(a) A provisional permit to practice as a provisionally permitted massage therapist shall,
 451 upon proper application, be issued for a six-month period to an applicant who meets the
 452 following criteria:

- 453 (1) Holds and maintains a valid license as a massage therapist in another state;
 454 (2) Is not a resident of this state as confirmed in a secure and verifiable document, as
 455 defined in Code Section 50-36-2;
 456 (3) Has not had a license or permit to practice as a massage therapist voided, revoked,
 457 suspended, denied, or annulled by this state or another state, territory, or jurisdiction; and
 458 (4) Has not been convicted of a directly related felony in the courts of this state, any
 459 other state, territory, or country, or in the courts of the United States, including, but not
 460 limited to, a plea of nolo contendere entered to such charge or ~~the affording of first~~
 461 ~~offender treatment to any such charge~~ a plea to such charge for which an individual is
 462 currently serving a first offender sentence in the same manner as provided in ~~paragraph~~

463 ~~(4) of subsection (a) of subsection (q) of Code Section 43-1-19. For purposes of this~~
 464 ~~paragraph, the term 'felony' shall have the same meaning a provided in Code Section~~
 465 ~~43-1-1."~~

466 SECTION 2-6.

467 Said title is further amended in Code Section 43-39A-14, relating to grant of licenses for
 468 appraisers by the Real Estate Commission and Appraisers Board, grounds for suspension or
 469 revocation of license, other sanctions, surrender or lapse, and conviction, by revising
 470 subsection (b) as follows:

471 "(b)(1) As used in this subsection, the term:

472 (A) 'Conviction' means a finding or verdict of guilty or a plea of guilty to a charge of
 473 a felony or any ~~crime involving moral turpitude~~ covered misdemeanor, regardless of
 474 whether an appeal of the conviction has been brought; a sentencing to first offender
 475 treatment without an adjudication of guilt pursuant to a charge of a felony or ~~any crime~~
 476 ~~involving moral turpitude~~ a covered misdemeanor; or a plea of nolo contendere to a
 477 charge of a felony or ~~any crime involving moral turpitude~~ covered misdemeanor.

478 (B) 'Felony' means any offense committed:

479 (i) Within this state and deemed a felony under the laws of this state or under the
 480 laws of the United States; or

481 (ii) In another state and deemed a felony under the laws of that state or the laws of
 482 the United States.

483 (1.1) No person who has a directly related conviction shall be eligible to become an
 484 applicant for a license or an approval authorized by this chapter unless such person has
 485 successfully completed all terms and conditions of any sentence imposed for such
 486 conviction, provided that if such individual has multiple convictions, at least five years
 487 shall have passed since the individual satisfied all terms and conditions of any sentence
 488 imposed for the last conviction before making application for licensure or approval; and

489 provided, further, that if such individual has a single conviction, at least two years shall
490 have passed since the individual satisfied all terms and conditions of any sentence
491 imposed for the last conviction before making application for licensure or approval.

492 (1.2) The board shall recommend disciplinary action or denial of an application for
493 licensure or approval authorized by this chapter on the basis of a criminal conviction or
494 adjudication only if the conviction or adjudication directly relates to the role of an
495 appraiser. In determining if a criminal conviction or adjudication directly relates to the
496 role of an appraiser, the board shall consider:

497 (A) The nature and seriousness of the crime and the direct relationship of the criminal
498 conduct to the duties and responsibilities of the appraiser;

499 (B) The age of the individual at the time such crime was committed;

500 (C) The length of time elapsed since such crime was committed;

501 (D) All circumstances relative to such crime, including, but not limited to, mitigating
502 circumstances or social conditions surrounding the commission of the offense; and

503 (E) Evidence of rehabilitation and present fitness to perform the duties of the
504 occupation for which the license is sought or held, including, but not limited to:

505 (i) The completion of the criminal sentence;

506 (ii) A program and treatment certificate issued by the Board of Corrections;

507 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
508 treatment program;

509 (iv) Testimonials and recommendations, which may include a progress report from
510 the individual's probation or parole officer;

511 (v) Education and training;

512 (vi) Employment history;

513 (vii) Employment aspirations;

514 (viii) The individual's current family or community responsibilities, or both;

515 (ix) Any affidavits or other written documents, including, but not limited to, character
 516 references; and

517 (x) Any other information regarding rehabilitation the individual submits to the
 518 board.

519 The board shall have the burden of determining whether it is more likely than not that a
 520 criminal record supports an adverse licensing decision.

521 (1.3) In determining whether to terminate and revoke a license, the board shall not
 522 consider nor require an individual to disclose:

523 (A) A deferred adjudication, discharged first offender treatment, completed diversion
 524 program, completed conditional discharge, or arrest not followed by a conviction;

525 (B) A conviction for which no sentence of incarceration can be imposed;

526 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
 527 pardoned, provided that the board may consider a plea for which an individual is
 528 currently serving a sentence pursuant to Article 3 of Chapter 8 of Title 42, another
 529 state's first offender laws, or subsection (a) or (c) of Code Section 16-13-2; or

530 (D) A juvenile adjudication.

531 ~~(1.2)~~(1.4) A person who has a directly related conviction in a court of competent
 532 jurisdiction of this state or any other state shall be eligible to become an applicant for a
 533 licensure or an approval authorized by this chapter only if:

534 (A) Such person has satisfied all terms and conditions of any conviction such person
 535 may have had before making application for licensure or approval, provided that if such
 536 individual has multiple convictions, at least five years shall have passed since the
 537 individual satisfied all terms and conditions of any sentence imposed for the last
 538 conviction before making application for licensure or approval; and provided, further,
 539 that if such individual has been convicted of a single felony or of a ~~single crime of~~
 540 ~~moral turpitude~~ covered misdemeanor, at least two years shall have passed since the

541 individual satisfied all terms and conditions of any sentence imposed for the last
542 conviction before making application for licensure or approval;

543 (B) No criminal charges for forgery, embezzlement, obtaining money under false
544 pretenses, theft, extortion, conspiracy to defraud, a felony, a sexual offense, a probation
545 violation, or a ~~crime involving moral turpitude~~ covered misdemeanor are pending
546 against the person; and

547 (C) Such person presents to the commission satisfactory proof that the person now
548 bears a good reputation for honesty, trustworthiness, integrity, and competence to
549 transact the business of a licensee in such a manner as to safeguard the interest of the
550 public.

551 (2) Where an applicant for any classification or approval authorized by this chapter has
552 been convicted in a court of competent jurisdiction of this state or any other state of the
553 offense of forgery, embezzlement, obtaining money under false pretenses, theft,
554 extortion, or conspiracy to defraud or other like offense or offenses or has been convicted
555 of a felony, a sexual offense, a probation violation, or a crime involving moral turpitude,
556 such conviction in itself may be a sufficient ground for refusal of a classification or
557 approval. An applicant for any classification or approval authorized by this chapter who
558 has been convicted of any offense enumerated in this paragraph may be issued a
559 classification or approval by the board only if:

560 (A) The time periods identified in paragraph (1.1) of this subsection have passed since
561 the applicant was convicted, sentenced, or released from any incarceration, whichever
562 is later;

563 (B) No criminal charges are pending against the applicant; and

564 (C) The applicant presents to the board satisfactory proof that the applicant now bears
565 a good reputation for honesty, trustworthiness, integrity, and competence to transact
566 real estate appraisal activity in such a manner as to safeguard the interest of the public."

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SECTION 2-7.

Said title is further amended in Code Section 43-40-15, relating to grant of licenses for brokers and salespersons by the Real Estate Commission and Appraisers Board, grounds for suspension or revocation of license, other sanctions, surrender or lapse, and conviction, by revising subsection (b) as follows:

"(b)(1) As used in this Code section, the term:

(A) 'Conviction' means a finding or verdict of guilty or a plea of guilty to a charge of a felony or ~~any crime involving moral turpitude~~ covered misdemeanor, regardless of whether an appeal of the conviction has been brought; a sentencing to first offender treatment without an adjudication of guilt pursuant to a charge of a felony or ~~any crime involving moral turpitude~~ covered misdemeanor; or a plea of nolo contendere to a charge of a felony or ~~any crime involving moral turpitude~~ covered misdemeanor.

(B) 'Felony' means any offense committed:

- (i) Within this state and deemed a felony under the laws of this state or under the laws of the United States; or
- (ii) In another state and deemed a felony under the laws of that state or the laws of the United States.

(1.1) No person who has a directly related conviction shall be eligible to become an applicant for a license or an approval authorized by this chapter unless such person has successfully completed all terms and conditions of any sentence imposed for such conviction, provided that if such individual has multiple convictions, at least five years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval; and provided, further, that if such individual has a single conviction, at least two years shall have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

593 (1.2) The commission shall recommend disciplinary action or denial of an application
594 for a licensure or approval authorized by this chapter on the basis of a criminal conviction
595 or adjudication only if the conviction or adjudication directly relates to the role of the
596 license sought. In determining if a criminal conviction or adjudication directly relates to
597 the role of a broker or real estate salesperson, the commission shall consider:
598 (A) The nature and seriousness of the crime and the direct relationship of the criminal
599 conduct to the duties and responsibilities of the licensee;
600 (B) The age of the individual at the time such crime was committed;
601 (C) The length of time elapsed since such crime was committed;
602 (D) All circumstances relative to such crime, including, but not limited to, mitigating
603 circumstances or social conditions surrounding the commission of the offense; and
604 (E) Evidence of rehabilitation and present fitness to perform the duties of the
605 occupation for which the license is sought or held, including, but not limited to:
606 (i) The completion of the criminal sentence;
607 (ii) A program and treatment certificate issued by the Board of Corrections;
608 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
609 treatment program;
610 (iv) Testimonials and recommendations, which may include a progress report from
611 the individual's probation or parole officer;
612 (v) Education and training;
613 (vi) Employment history;
614 (vii) Employment aspirations;
615 (viii) The individual's current family or community responsibilities, or both;
616 (ix) Any affidavits or other written documents, including, but not limited to, character
617 references; and
618 (x) Any other information regarding rehabilitation the individual submits to the
619 commission.

620 The commission shall have the burden of determining whether it is more likely than not
 621 that a conviction supports an adverse licensing decision.

622 (1.3) In determining whether to terminate and revoke a license, the commission shall not
 623 consider nor require an individual to disclose:

624 (A) A deferred adjudication, discharged first offender treatment, completed diversion
 625 program, completed conditional discharge, or arrest not followed by a conviction;

626 (B) A conviction for which no sentence of incarceration can be imposed;

627 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
 628 pardoned, provided that the commission may consider a plea for which an individual
 629 is currently serving a sentence pursuant to Article 3 of Chapter 8 of Title 42, another
 630 state's first offender laws, or subsection (a) or (c) of Code Section 16-13-2; or

631 (D) A juvenile adjudication.

632 ~~(1.2)~~(1.4) A person who has a directly related conviction in a court of competent
 633 jurisdiction of this state or any other state shall be eligible to become an applicant for a
 634 licensure or an approval authorized by this chapter only if:

635 (A) Such person has satisfied all terms and conditions of any conviction such person
 636 may have had before making application for licensure or approval, provided that if such
 637 individual has multiple convictions, at least five years shall have passed since the
 638 individual satisfied all terms and conditions of any sentence imposed for the last
 639 conviction before making application for licensure or approval; and provided, further,
 640 that if such individual has been convicted of a single felony or of a ~~single crime of~~
 641 ~~moral turpitude~~ covered misdemeanor, at least two years shall have passed since the
 642 individual satisfied all terms and conditions of any sentence imposed for the last
 643 conviction before making application for licensure or approval;

644 (B) No criminal charges for forgery, embezzlement, obtaining money under false
 645 pretenses, theft, extortion, conspiracy to defraud, a felony, a sexual offense, a probation

646 violation, or a ~~crime involving moral turpitude~~ covered misdemeanor are pending
647 against the person; and

648 (C) Such person presents to the commission satisfactory proof that the person now
649 bears a good reputation for honesty, trustworthiness, integrity, and competence to
650 transact the business of a licensee in such a manner as to safeguard the interest of the
651 public.

652 (2) Where an applicant for any license or approval authorized by this chapter has been
653 convicted of forgery, embezzlement, obtaining money under false pretenses, theft,
654 extortion, conspiracy to defraud, or other like offense or offenses or has been convicted
655 of a felony, a sexual offense, a probation violation, or a crime involving moral turpitude
656 and has been convicted thereof in a court of competent jurisdiction of this state or any
657 other state such conviction in itself may be sufficient ground for refusal of a license or
658 approval authorized by this chapter. An applicant for licensure as an associate broker or
659 a broker who has been convicted of any offense enumerated in this paragraph may be
660 licensed by the commission as an associate broker or a broker only if:

661 (A) At least ten years have passed since the applicant was convicted, sentenced, or
662 released from any incarceration, whichever is later;

663 (B) No criminal charges are pending against the applicant; and

664 (C) The applicant presents to the commission satisfactory proof that the applicant now
665 bears a good reputation for honesty, trustworthiness, integrity, and competence to
666 transact the business of a licensee in such a manner as to safeguard the interest of the
667 public."

668 **SECTION 2-8.**

669 Said title is further amended in Code Section 43-45-9, relating to examination for structural
670 pest control operator certification by the Structural Pest Control Commission, by revising
671 subsection (a) as follows:

672 "(a)(1) All applicants for examination for certification as an operator must have a
673 knowledge of the practical and scientific facts underlying the practice of structural pest
674 control, control of wood-destroying organisms, and fumigation and the necessary
675 knowledge and ability to recognize and control those hazardous conditions which may
676 affect human life and health. The commission may refuse to examine anyone convicted
677 of a ~~crime involving moral turpitude~~ directly related felony or directly related covered
678 misdemeanor.

679 (2) The commission shall refuse to examine an applicant on the basis of a criminal record
680 only if the criminal record directly relates to the role of an operator. In determining if a
681 criminal record directly relates to the role of a pest control operator, the commission shall
682 consider:

683 (A) The nature and seriousness of the crime and the direct relationship of the criminal
684 conduct to the duties and responsibilities of the operator;

685 (B) The age of the individual at the time such crime was committed;

686 (C) The length of time elapsed since such crime was committed;

687 (D) All circumstances relative to such crime, including, but not limited to, mitigating
688 circumstances or social conditions surrounding the commission of the offense; and

689 (E) Evidence of rehabilitation and present fitness to perform the duties of the
690 occupation for which the certificate is sought or held, including, but not limited to:

691 (i) The completion of the criminal sentence;

692 (ii) A program and treatment certificate issued by the Board of Corrections;

693 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
694 treatment program;

695 (iv) Testimonials and recommendations, which may include a progress report from
696 the individual's probation or parole officer;

697 (v) Education and training;

698 (vi) Employment history;

- 699 (vii) Employment aspirations;
700 (viii) The individual's current family or community responsibilities, or both;
701 (ix) Whether a bond is required to practice the occupation;
702 (x) Any affidavits or other written documents, including, but not limited to, character
703 references; and
704 (xi) Any other information regarding rehabilitation the individual submits to the
705 commission.
- 706 (3) In determining whether to refuse to examine an applicant, the commission shall not
707 consider nor require an individual to disclose:
- 708 (A) A deferred adjudication, discharged first offender treatment, completed diversion
709 program, completed conditional discharge, or arrest not followed by a conviction;
710 (B) A conviction for which no sentence of incarceration can be imposed;
711 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
712 pardoned, provided that the commission may consider a plea for which an individual
713 is currently serving a sentence pursuant to Article 3 of Chapter 8 of Title 42, another
714 state's first offender laws, or subsection (a) or (c) of Code Section 16-13-2;
715 (D) A juvenile adjudication;
716 (E) A misdemeanor conviction older than five years, unless the offense of conviction
717 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or
718 (F) A conviction older than five years for which the individual was not incarcerated,
719 or a conviction for which the individual's incarceration ended more than five years
720 before the date of the commission's consideration, except for a felony conviction related
721 to:
- 722 (i) A criminal sexual act;
723 (ii) Criminal fraud or embezzlement;
724 (iii) Aggravated assault;
725 (iv) Aggravated robbery;

726 (v) Aggravated abuse, neglect, or endangerment of a child;

727 (vi) Arson;

728 (vii) Carjacking;

729 (viii) Kidnapping; or

730 (ix) Manslaughter, homicide, or murder.

731 (4)(A) Notwithstanding any other provision of law, an individual with a criminal
732 record may petition the commission at any time, including while incarcerated and
733 before starting or completing any required professional qualifications for certification,
734 for a predetermination as to whether the individual's criminal record will disqualify
735 such individual from obtaining a certification as an operator.

736 (B) The petition for predetermination shall include the individual's criminal record or
737 authorize the commission to obtain the individual's criminal record. The petitioning
738 individual need not disclose any offenses falling under paragraph (3) of this subsection.
739 The petition shall also include any information the petitioner chooses to submit
740 concerning the circumstances of his or her record and his or her rehabilitation.

741 (C) In considering predetermination petitions, the commission shall apply the direct
742 relationship standard in paragraph (2) of this subsection and shall not consider any
743 offenses falling under paragraph (3) of this subsection. The commission shall support
744 any adverse predetermination by determining whether it is more likely than not that a
745 criminal record supports an adverse certification decision.

746 (D) A predetermination made under this paragraph that a petitioner is eligible for a
747 certification shall be binding on the commission only if the petitioner applies for
748 certification and fulfills all other requirements for operator certification and the
749 petitioner's submitted criminal record was correct and remains unchanged at the time
750 of his or her application for certification.

751 (E) If a petitioner's criminal record includes matters that may disqualify the petitioner
752 from certification, the commission shall notify the petitioner of the potentially

753 disqualifying convictions. The letter of concern shall advise the petitioner of his or her
754 opportunity to submit additional evidence of rehabilitation and mitigation or for a
755 hearing, or both.

756 (F) The commission may predetermine that the petitioner's criminal record is likely
757 grounds for denial of certification only after the commission has held a hearing on the
758 petitioner's eligibility in accordance with Chapter 13 of Title 50, the 'Georgia
759 Administrative Procedure Act.' The hearing shall be held in person, by remote video,
760 or by teleconference within 60 days of receipt of the predetermination petition. The
761 individual shall have the opportunity to include character witnesses at the hearing,
762 including but not limited to family members, friends, past or prospective employers,
763 probation or parole officers, and rehabilitation counselors, who may offer their verbal
764 or written support. The commission shall not make an adverse inference by a
765 petitioner's decision to forgo a hearing or character witnesses. The commission shall
766 issue a final decision within 60 days of complete submission of the issue for
767 consideration or the hearing, whichever is later.

768 (G) If the commission decides that a predetermination petitioner is ineligible for a
769 license, the commission shall notify the petitioner of the following:

770 (i) The grounds and rationale for the predetermination, including any of the
771 petitioner's specific convictions and the factors provided for in paragraph (2) of this
772 subsection the commission deemed directly relevant;

773 (ii) An explanation of the process and right to appeal the commission's
774 predetermination decision under Chapter 13 of Title 50, the 'Georgia Administrative
775 Procedure Act'; and

776 (iii) Any actions the petitioner may take to remedy the disqualification. An
777 individual who receives a predetermination of ineligibility may submit a revised
778 petition reflecting completion of the remedial actions. The individual may submit a

779 new petition to the commission not before one year following a final judgment on his
780 or her initial petition or upon completing the remedial actions, whichever is earlier.
781 (H) The denial of a predetermination petition because of the applicant's criminal record
782 shall constitute a contested case as defined in Code Section 50-13-2. In an
783 administrative hearing reviewing the denial of a predetermination petition, the applicant
784 shall have the burden of proving that his or her criminal record does not directly relate
785 to the licensed occupation."

786 **PART III**
787 **SECTION 3-1.**

788 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in
789 Article 1 of Chapter 23, relating to agents, agencies, subagents, counselors, and adjusters, by
790 adding two new Code sections to read as follows:

791 "33-23-21.2.

792 (a) Notwithstanding any other provision of law, an individual with a criminal record may
793 petition the Commissioner at any time, including while incarcerated and before starting or
794 completing any required professional qualifications for licensure, for a predetermination
795 as to whether the individual's criminal record will disqualify him or her from obtaining a
796 license.

797 (b) The petition for predetermination shall include the individual's criminal record or
798 authorize the Commissioner to obtain the individual's criminal record. The petition shall
799 also include information submitted by the petitioner concerning the circumstances of his
800 or her record and his or her rehabilitation.

801 (c) A predetermination made under this Code section that a petitioner is eligible for a
802 license shall be binding on the Commissioner only if the petitioner applies for licensure and

803 fulfills all other requirements for the licensure and the petitioner's submitted criminal
804 record was correct and remains unchanged at the time of his or her application for a license.

805 (d) If a petitioner's criminal record includes matters that may disqualify the petitioner from
806 licensure, the Commissioner shall provide notice and opportunity for a hearing in
807 accordance with Chapter 2 of this title.

808 (e) If, after notice and the opportunity for a hearing, the Commissioner decides that a
809 predetermination petitioner is ineligible for a license, the Commissioner shall notify the
810 petitioner of the following:

811 (1) The grounds and rationale for the predetermination, including the factors in Code
812 Section 33-23-21.2 the Commissioner deemed directly relevant;

813 (2) An explanation of the process and right to appeal the Commissioner's
814 predetermination decision; and

815 (3) Any actions the petitioner may take to remedy the disqualification. An individual
816 who receives a predetermination of ineligibility may submit a revised petition reflecting
817 completion of the remedial actions. The individual may submit a new petition to the
818 Commissioner not before one year following a final judgment on his or her initial petition
819 or upon completing the remedial actions, whichever is earlier.

820 (f) Notwithstanding any other provision of this title to the contrary, a denial by the
821 Commissioner of a predetermination petition because of the applicant's criminal record
822 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
823 hearing reviewing the denial of a predetermination petition, the applicant shall have the
824 burden of proving that his or her criminal record does not directly relate to the licensed
825 occupation."

826 "33-23-43.11.

827 (a) Notwithstanding any other provision of law, an individual with a criminal record may
828 petition the Commissioner at any time, including while incarcerated and before starting or

829 completing any required professional qualifications for licensure, for a predetermination
830 as to whether the individual's criminal record will disqualify him or her from obtaining a
831 public adjuster's license.

832 (b) The petition for predetermination shall include the individual's criminal record or
833 authorize the Commissioner to obtain the individual's criminal record. The petition shall
834 also include information submitted by the petitioner concerning the circumstances of his
835 or her record and his or her rehabilitation.

836 (c) A predetermination made under this Code section that a petitioner is eligible for a
837 license shall be binding on the Commissioner only if the petitioner applies for licensure and
838 fulfills all other requirements for the licensure and the petitioner's submitted criminal
839 record was correct and remains unchanged at the time of his or her application for a
840 license.

841 (d) If a petitioner's criminal record includes matters that may disqualify the petitioner from
842 licensure, the Commissioner shall provide notice and opportunity for a hearing in
843 accordance with Chapter 2 of this title.

844 (e) If, after notice and the opportunity for a hearing, the Commissioner decides that a
845 predetermination petitioner is ineligible for a license, the Commissioner shall notify the
846 petitioner of the following:

847 (1) The grounds and rationale for the predetermination, including the specific
848 convictions and the factors in Code Section 33-23-43.11 the Commissioner deemed
849 directly relevant;

850 (2) An explanation of the process and right to appeal the Commissioner's
851 predetermination decision; and

852 (3) Any actions the petitioner may take to remedy the disqualification. An individual
853 who receives a predetermination of ineligibility may submit a revised petition reflecting
854 completion of the remedial actions. The individual may submit a new petition to the

855 Commissioner not before one year following a final judgment on his or her initial petition
856 or upon completing the remedial actions, whichever is earlier.
857 (f) Notwithstanding any other provision of this title to the contrary, a denial by the
858 Commissioner of a predetermination petition because of the applicant's criminal record
859 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
860 hearing reviewing the denial of a predetermination petition, the applicant shall have the
861 burden of proving that his or her criminal record does not directly relate to the licensed
862 occupation."

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PART IV
SECTION 4-1.

865 Chapter 4 of Title 25 of the Official Code of Georgia Annotated, relating to firefighter
866 standards and training, is amended by adding a new subsection to Code Section 25-4-8,
867 relating to qualifications of firefighters generally, to read as follows:

868 "(d) A person who pleaded guilty to a felony offense under Article 3 of Chapter 8 of Title
869 42 and successfully completed the terms of his or her sentence pursuant to Article 3 of
870 Chapter 8 of Title 42 may, at the council's discretion, be certified and employed as a
871 firefighter if such person otherwise meets the qualifications set forth in this Code section.
872 Such person shall provide information on the circumstances underlying the plea of guilty,
873 as requested by the council, to enable the council to make an informed decision on such
874 individual's qualification status."

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PART V
SECTION 5-1.

877 Code Section 17-10-21 of the Official Code of Georgia Annotated, relating to vacating of
878 sentence for trafficking victim defendants, is amended by revising subparagraph (a)(2)(C)
879 and subsection (b) as follows:

880 "(C) Shall be submitted with a copy of his or her criminal history background check
881 report conducted by the Georgia Crime Information Center that has been completed no
882 more than ~~three~~ ten business days prior to the filing of the petition; provided, however,
883 that the defendant shall not be charged a fee by the Georgia Crime Information Center
884 for a report produced for purposes of this Code section; and"

885 "(b) When a petition provided for under subsection (a) of this Code section is filed, it shall
886 be filed under seal. The clerk of court shall accept defendant's filing under seal without
887 need of a court order for any petition provided for under subsection (a) of this Code
888 section. All subsequent filings, motions, hearings, court recordings, court transcripts,
889 orders, and other court documents related to such petition shall remain under seal without
890 need for any additional court order."

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PART VI
SECTION 6-1.

893 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
894 July 1, 2026.

895 (b) Parts I through IV of this Act shall become effective on July 1, 2027, and shall apply to
896 all applications for licensure submitted on or after such date.

