

Senate Bill 207

By: Senators Strickland of the 42nd, Brass of the 6th, Anavitarte of the 31st, Cowsert of the 46th, Kirkpatrick of the 32nd and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

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

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

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **PART I**
 32 **SECTION 1-1.**

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

35 "43-1-1.

36 As used in this title, the term:

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

39 (2) 'Covered misdemeanor' means any:

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

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

44 ~~(1)(3)~~ 'Division' means the professional licensing boards division created under Code
 45 Section 43-1-2.

46 ~~(2)(4)~~ 'Division director' means the individual appointed by the Secretary of State as
 47 director of the professional licensing boards division within the office of the Secretary
 48 of State.

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

51 ~~(3)(6)~~ 'Professional licensing board' means any board, bureau, commission, or other
 52 agency of the executive branch of state government which is created for the purpose of
 53 licensing or otherwise regulating or controlling any profession, business, or trade and
 54 which is placed by law under the jurisdiction of the division director ~~of the professional~~
 55 ~~licensing boards division within the office of the Secretary of State."~~

56 **SECTION 1-2.**

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

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

65 **SECTION 1-3.**

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

69 "(j) Neither the issuance of a private reprimand nor the denial of a license by reciprocity
 70 ~~nor the denial of a request for reinstatement of a revoked license nor the refusal to issue a~~
 71 ~~previously denied license~~ shall be considered to be a contested case within the meaning of
 72 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; notice and hearing
 73 within the meaning of such chapter shall not be required, but the applicant or licensee shall
 74 be allowed to appear before the board if he or she so requests. A board may resolve a
 75 pending action by the issuance of a letter of concern. Such letter shall not be considered
 76 a disciplinary action or a contested case under Chapter 13 of Title 50 and shall not be
 77 disclosed to any person except the licensee or applicant."

78 **SECTION 1-4.**

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

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

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

- 92 (B) Arrest, charge, and sentence for the commission of such offense;
- 93 (C) Sentence for such offense pursuant to Article 3 of Chapter 8 of Title 42 or another
94 state's first offender laws;
- 95 (D) Sentence for such offense pursuant to subsection (a) or (c) of Code Section
96 16-13-2;
- 97 (E) Sentence for such offense as a result of a plea of nolo contendere;
- 98 (F) Adjudication of guilt or sentence was otherwise withheld or not entered; or
- 99 (G) Being under supervision by a community supervision officer, as such term is
100 defined in Code Section 42-3-1, for a conviction of any felony or any ~~crime involving~~
101 ~~moral turpitude~~ covered misdemeanor, whether it occurred in the courts of this state or
102 any other state, territory, or country or in the courts of the United States, so long as such
103 individual was not convicted of a felony violation of Chapter 5 of Title 16 nor
104 convicted of a crime requiring registration on the state sexual offender registry.
- 105 (2) In determining if a felony or ~~crime involving moral turpitude~~ covered misdemeanor
106 directly relates to the occupation for which the license is sought or held, the professional
107 licensing board shall consider:
- 108 (A) The nature and seriousness of such felony or ~~crime involving moral turpitude~~
109 covered misdemeanor and the relationship of ~~such felony or crime involving moral~~
110 ~~turpitude~~ the criminal conduct to the duties and responsibilities of the occupation for
111 which the license is sought or held;
- 112 (B) The age of the individual at the time such felony or ~~crime involving moral~~
113 ~~turpitude~~ covered misdemeanor was committed;
- 114 (C) The length of time elapsed since such felony or ~~crime involving moral turpitude~~
115 covered misdemeanor was committed;
- 116 (D) All circumstances relative to such felony or ~~crime involving moral turpitude~~
117 covered misdemeanor, including, but not limited to, mitigating circumstances or social

118 conditions surrounding the commission of such felony or ~~crime involving moral~~
119 ~~turpitude~~ covered misdemeanor; and

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

122 (i) The completion of the criminal sentence;

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

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

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

128 (v) Education and training;

129 (vi) Employment history;

130 (vii) Employment aspirations;

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

132 (ix) Whether a bond is required to practice the occupation;

133 (x) Any affidavits or other written documents, including, but not limited to, character
134 references; and

135 (xi) Any other information regarding rehabilitation the individual submits to the
136 board.

137 (3) Notwithstanding any other provision of law, a professional licensing board shall
138 provide individualized consideration of an individual's criminal record and shall not
139 automatically deny licensure on the basis of the individual's criminal record.

140 (4)(A) If an applicant's criminal record includes issues that will or may prevent the
141 board from issuing a license to the applicant, the board shall notify the applicant, in
142 writing, of the specific issues in sufficient time for the applicant to provide additional
143 documentation supporting the application before the board's final decision to deny the
144 application. After receiving notice of any potential issue with licensure due to his or

145 her criminal convictions, an applicant shall have 30 days to respond by correcting any
146 inaccuracy in the criminal record or by submitting additional evidence of mitigation or
147 rehabilitation for the board's consideration, or both.

148 (B) For the professional licensing board to deny a license on the basis of the applicant's
149 criminal convictions, the board shall first provide an opportunity for a hearing for such
150 applicant in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
151 Procedure Act.' The applicant shall have the opportunity at such hearing to present the
152 written or oral testimony of character witnesses, including, but not limited to, family
153 members, friends, prospective employers, probation or parole officers, and
154 rehabilitation counselors. The professional licensing board shall issue a decision within
155 60 days of the complete submission of the issues for consideration or the hearing,
156 whichever is later.

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

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

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

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

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

176 (5)(A) Notwithstanding any other provision of law, an individual with a criminal
177 record may petition a professional licensing board at any time, including while
178 incarcerated and before starting or completing any required professional qualifications
179 for licensure, for a predetermination as to whether such individual's criminal record will
180 disqualify him or her from obtaining a license.

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

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

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

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

198 (F) The professional licensing board may predetermine that the petitioner's criminal
199 record is likely grounds for denial of a license only after the board has held a hearing
200 on the petitioner's eligibility in accordance with Chapter 13 of Title 50, the 'Georgia
201 Administrative Procedure Act.' The hearing shall be held in person, by remote video,
202 or by teleconference within 60 days of receipt of the predetermination petition. The
203 individual shall have the opportunity to offer written or oral testimony of character
204 witnesses at the hearing, including but not limited to family members, friends, past or
205 prospective employers, probation or parole officers, and rehabilitation counselors. The
206 professional licensing board shall not make an adverse inference by a petitioner's
207 decision to forgo a hearing or character witnesses. The board shall issue a final
208 decision within 60 days of complete submission of the issue for consideration or the
209 hearing, whichever is later.

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

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

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

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

223 (H) The denial of a predetermination petition because of the applicant's criminal record
224 shall constitute a contested case as defined in Code Section 50-13-2. In an

225 administrative hearing reviewing the denial of a predetermination petition, the applicant
226 shall have the burden of proving that his or her criminal record does not directly relate
227 to the licensed occupation.

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

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

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

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

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

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

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

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

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

250

SECTION 1-5.

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

253 "43-1-27.

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

261

SECTION 1-6.

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

265 "43-15-19.

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

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

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

275 (3) Affixing a seal to any plan, specification, plat, or report contrary to Code Section
276 43-15-22;

- 277 (4) Conviction of a felony or ~~crime involving moral turpitude~~ covered misdemeanor as
 278 defined in Code Section 43-1-1 in the courts of this state, the United States, or any state
 279 or territory of the United States or the conviction of an offense in another jurisdiction
 280 which, if committed in this state, would be deemed a felony. 'Conviction' shall include
 281 a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal
 282 proceeding, ~~regardless of whether the adjudication of guilt or sentence is withheld or not~~
 283 ~~entered thereon pursuant to Article 3 of Chapter 8 of Title 42 or any comparable rule or~~
 284 ~~statute~~ but shall not include a conviction that has been pardoned; or
- 285 (5) Any violation of this chapter or any rule or regulation promulgated by the board
 286 pursuant to the powers conferred on it by this chapter.
- 287 (b) 'Unprofessional conduct,' as referred to in paragraph (2) of subsection (a) of this Code
 288 section, includes a violation of those standards of professional conduct for professional
 289 engineers and professional land surveyors adopted by the board pursuant to the power
 290 conferred upon it to promulgate rules and regulations to effectuate the duties and powers
 291 conferred on it by this chapter."

292 SECTION 1-7.

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

294 "43-15-19.1.

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

300 (b) The petition for predetermination shall include the individual's criminal record or
 301 authorize the board to obtain the individual's criminal record. The petition shall also

302 include any information the petitioner chooses to submit concerning the circumstances of
303 his or her record and his or her rehabilitation.

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

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

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

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

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

327 (1) The grounds and rationale for the predetermination, including the specific
328 convictions and the factors in subsection (a) of Code Section 43-15-19.1 the board
329 deemed directly relevant;
330 (2) An explanation of the process and right to appeal the board's predetermination
331 decision under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act'; and
332 (3) Any actions the petitioner may take to remedy the disqualification. An individual
333 who receives a predetermination of ineligibility may submit a revised petition reflecting
334 completion of the remedial actions. The individual may submit a new petition to the
335 board not before one year following a final judgment on his or her initial petition or upon
336 completing the remedial actions, whichever is earlier.
337 (h) The denial of a predetermination petition because of the applicant's criminal record
338 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
339 hearing reviewing the denial of a predetermination petition, the applicant shall have the
340 burden of proving that his or her criminal record does not directly relate to the licensed
341 occupation."

342 **PART II**
343 **SECTION 2-1.**

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

347 "43-3-21.1.

348 (a) Notwithstanding any other provision of law, an individual with a criminal record may
349 petition the accountancy board at any time, including while incarcerated and before starting
350 or completing any required professional qualifications for licensure, for a predetermination

351 as to whether the individual's criminal record will disqualify him or her from obtaining a
352 license.

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

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

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

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

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

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

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

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

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

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

395 **SECTION 2-2.**

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

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

404 notify the board of a conviction shall be considered grounds for revocation of his or her
 405 license or other authorization issued pursuant to this chapter."

406 **SECTION 2-3.**

407 Said title is further amended in Code Section 43-9-12, relating to refusal, suspension, or
 408 revocation of chiropractor licenses, subpoenas, other discipline, judicial review,
 409 reinstatement, voluntary surrender of license, injunctions, and statement of complaint, by
 410 revising paragraphs (3) and (4) of subsection (a) as follows:

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

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

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

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

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

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

431 **SECTION 2-4.**

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

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

445 **SECTION 2-5.**

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

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

451 (1) Holds and maintains a valid license as a massage therapist in another state;

- 452 (2) Is not a resident of this state as confirmed in a secure and verifiable document, as
 453 defined in Code Section 50-36-2;
- 454 (3) Has not had a license or permit to practice as a massage therapist voided, revoked,
 455 suspended, denied, or annulled by this state or another state, territory, or jurisdiction; and
- 456 (4) Has not been convicted of a directly related felony in the courts of this state, any
 457 other state, territory, or country, or in the courts of the United States, including, but not
 458 limited to, a plea of nolo contendere entered to such charge or ~~the affording of first~~
 459 ~~offender treatment to any such charge~~ a plea to such charge for which an individual is
 460 currently serving a first offender sentence in the same manner as provided in paragraph
 461 ~~(4) of subsection (a) of subsection (q) of Code Section 43-1-19. For purposes of this~~
 462 paragraph, the term 'felony' shall have the same meaning a provided in Code Section
 463 43-1-1."

464 **SECTION 2-6.**

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

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

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

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

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

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

481 (1.1) No person who has a directly related conviction shall be eligible to become an
482 applicant for a license or an approval authorized by this chapter unless such person has
483 successfully completed all terms and conditions of any sentence imposed for such
484 conviction, provided that if such individual has multiple convictions, at least five years
485 shall have passed since the individual satisfied all terms and conditions of any sentence
486 imposed for the last conviction before making application for licensure or approval; and
487 provided, further, that if such individual has a single conviction, at least two years shall
488 have passed since the individual satisfied all terms and conditions of any sentence
489 imposed for the last conviction before making application for licensure or approval.

490 (1.2) The board shall recommend disciplinary action or denial of an application for
491 licensure or approval authorized by this chapter on the basis of a criminal conviction or
492 adjudication only if the conviction or adjudication directly relates to the role of an
493 appraiser. In determining if a criminal conviction or adjudication directly relates to the
494 role of an appraiser, the board shall consider:

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

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

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

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

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

503 (i) The completion of the criminal sentence;

- 504 (ii) A program and treatment certificate issued by the Board of Corrections;
505 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
506 treatment program;
507 (iv) Testimonials and recommendations, which may include a progress report from
508 the individual's probation or parole officer;
509 (v) Education and training;
510 (vi) Employment history;
511 (vii) Employment aspirations;
512 (viii) The individual's current family or community responsibilities, or both;
513 (ix) Any affidavits or other written documents, including, but not limited to, character
514 references; and
515 (x) Any other information regarding rehabilitation the individual submits to the
516 board.

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

519 (1.3) In determining whether to terminate and revoke a license, the board shall not
520 consider nor require an individual to disclose:

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

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

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

528 (D) A juvenile adjudication.

529 ~~(1.2)~~(1.4) A person who has a directly related conviction in a court of competent
530 jurisdiction of this state or any other state shall be eligible to become an applicant for a
531 licensure or an approval authorized by this chapter only if:

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

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

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

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

556 has been convicted of any offense enumerated in this paragraph may be issued a
 557 classification or approval by the board only if:

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

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

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

565 **SECTION 2-7.**

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

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

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

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

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

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

582 (1.1) No person who has a directly related conviction shall be eligible to become an
583 applicant for a license or an approval authorized by this chapter unless such person has
584 successfully completed all terms and conditions of any sentence imposed for such
585 conviction, provided that if such individual has multiple convictions, at least five years
586 shall have passed since the individual satisfied all terms and conditions of any sentence
587 imposed for the last conviction before making application for licensure or approval; and
588 provided, further, that if such individual has a single conviction, at least two years shall
589 have passed since the individual satisfied all terms and conditions of any sentence
590 imposed for the last conviction before making application for licensure or approval.

591 (1.2) The commission shall recommend disciplinary action or denial of an application
592 for a licensure or approval authorized by this chapter on the basis of a criminal conviction
593 or adjudication only if the conviction or adjudication directly relates to the role of the
594 license sought. In determining if a criminal conviction or adjudication directly relates to
595 the role of a broker or real estate salesperson, the commission shall consider:

596 (A) The nature and seriousness of the crime and the direct relationship of the criminal
597 conduct to the duties and responsibilities of the licensee;

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

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

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

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

604 (i) The completion of the criminal sentence;

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

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

- 608 (iv) Testimonials and recommendations, which may include a progress report from
 609 the individual's probation or parole officer;
 610 (v) Education and training;
 611 (vi) Employment history;
 612 (vii) Employment aspirations;
 613 (viii) The individual's current family or community responsibilities, or both;
 614 (ix) Any affidavits or other written documents, including, but not limited to, character
 615 references; and
 616 (x) Any other information regarding rehabilitation the individual submits to the
 617 commission.

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

620 (1.3) In determining whether to terminate and revoke a license, the commission shall not
 621 consider nor require an individual to disclose:

- 622 (A) A deferred adjudication, discharged first offender treatment, completed diversion
 623 program, completed conditional discharge, or arrest not followed by a conviction;
 624 (B) A conviction for which no sentence of incarceration can be imposed;
 625 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
 626 pardoned, provided that the commission may consider a plea for which an individual
 627 is currently serving a sentence pursuant to Article 3 of Chapter 8 of Title 42, another
 628 state's first offender laws, or subsection (a) or (c) of Code Section 16-13-2; or
 629 (D) A juvenile adjudication.

630 ~~(1.2)~~(1.4) A person who has a directly related conviction in a court of competent
 631 jurisdiction of this state or any other state shall be eligible to become an applicant for a
 632 licensure or an approval authorized by this chapter only if:

- 633 (A) Such person has satisfied all terms and conditions of any conviction such person
 634 may have had before making application for licensure or approval, provided that if such

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

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

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

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

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

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

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

666 **SECTION 2-8.**

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

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

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

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

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

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

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

- 687 (E) Evidence of rehabilitation and present fitness to perform the duties of the
688 occupation for which the certificate is sought or held, including, but not limited to:
- 689 (i) The completion of the criminal sentence;
 - 690 (ii) A program and treatment certificate issued by the Board of Corrections;
 - 691 (iii) Completion of, or active participation in, a rehabilitative drug or alcohol
692 treatment program;
 - 693 (iv) Testimonials and recommendations, which may include a progress report from
694 the individual's probation or parole officer;
 - 695 (v) Education and training;
 - 696 (vi) Employment history;
 - 697 (vii) Employment aspirations;
 - 698 (viii) The individual's current family or community responsibilities, or both;
 - 699 (ix) Whether a bond is required to practice the occupation;
 - 700 (x) Any affidavits or other written documents, including, but not limited to, character
701 references; and
 - 702 (xi) Any other information regarding rehabilitation the individual submits to the
703 commission.
- 704 (3) In determining whether to refuse to examine an applicant, the commission shall not
705 consider nor require an individual to disclose:
- 706 (A) A deferred adjudication, discharged first offender treatment, completed diversion
707 program, completed conditional discharge, or arrest not followed by a conviction;
 - 708 (B) A conviction for which no sentence of incarceration can be imposed;
 - 709 (C) A conviction that has been restricted, sealed, annulled, dismissed, vacated, or
710 pardoned, provided that the commission may consider a plea for which an individual
711 is currently serving a sentence pursuant to Article 3 of Chapter 8 of Title 42, another
712 state's first offender laws, or subsection (a) or (c) of Code Section 16-13-2;
 - 713 (D) A juvenile adjudication;

714 (E) A misdemeanor conviction older than five years, unless the offense of conviction
715 is listed in subparagraph (j)(4)(B) of Code Section 35-3-37; or

716 (F) A conviction older than five years for which the individual was not incarcerated,
717 or a conviction for which the individual's incarceration ended more than five years
718 before the date of the commission's consideration, except for a felony conviction related
719 to:

720 (i) A criminal sexual act;

721 (ii) Criminal fraud or embezzlement;

722 (iii) Aggravated assault;

723 (iv) Aggravated robbery;

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

725 (vi) Arson;

726 (vii) Carjacking;

727 (viii) Kidnapping; or

728 (ix) Manslaughter, homicide, or murder.

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

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

739 (C) In considering predetermination petitions, the commission shall apply the direct
740 relationship standard in paragraph (2) of this subsection and shall not consider any

741 offenses falling under paragraph (3) of this subsection. The commission shall support
742 any adverse predetermination by determining whether it is more likely than not that a
743 criminal record supports an adverse certification decision.

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

749 (E) If a petitioner's criminal record includes matters that may disqualify the petitioner
750 from certification, the commission shall notify the petitioner of the potentially
751 disqualifying convictions. The letter of concern shall advise the petitioner of his or her
752 opportunity to submit additional evidence of rehabilitation and mitigation or for a
753 hearing, or both.

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

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

768 (i) The grounds and rationale for the predetermination, including any of the
 769 petitioner's specific convictions and the factors provided for in paragraph (2) of this
 770 subsection the commission deemed directly relevant;
 771 (ii) An explanation of the process and right to appeal the commission's
 772 predetermination decision under Chapter 13 of Title 50, the 'Georgia Administrative
 773 Procedure Act'; and
 774 (iii) Any actions the petitioner may take to remedy the disqualification. An
 775 individual who receives a predetermination of ineligibility may submit a revised
 776 petition reflecting completion of the remedial actions. The individual may submit a
 777 new petition to the commission not before one year following a final judgment on his
 778 or her initial petition or upon completing the remedial actions, whichever is earlier.
 779 (H) The denial of a predetermination petition because of the applicant's criminal record
 780 shall constitute a contested case as defined in Code Section 50-13-2. In an
 781 administrative hearing reviewing the denial of a predetermination petition, the applicant
 782 shall have the burden of proving that his or her criminal record does not directly relate
 783 to the licensed occupation."

784 **PART III**

785 **SECTION 3-1.**

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

789 "33-23-21.2.

790 (a) Notwithstanding any other provision of law, an individual with a criminal record may
 791 petition the Commissioner at any time, including while incarcerated and before starting or
 792 completing any required professional qualifications for licensure, for a predetermination

793 as to whether the individual's criminal record will disqualify him or her from obtaining a
794 license.

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

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

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

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

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

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

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

818 (f) Notwithstanding any other provision of this title to the contrary, a denial by the
819 Commissioner of a predetermination petition because of the applicant's criminal record

820 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
821 hearing reviewing the denial of a predetermination petition, the applicant shall have the
822 burden of proving that his or her criminal record does not directly relate to the licensed
823 occupation."

824 "33-23-43.11.

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

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

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

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

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

845 (1) The grounds and rationale for the predetermination, including the specific
846 convictions and the factors in Code Section 33-23-43.11 the Commissioner deemed
847 directly relevant;
848 (2) An explanation of the process and right to appeal the Commissioner's
849 predetermination decision; and
850 (3) Any actions the petitioner may take to remedy the disqualification. An individual
851 who receives a predetermination of ineligibility may submit a revised petition reflecting
852 completion of the remedial actions. The individual may submit a new petition to the
853 Commissioner not before one year following a final judgment on his or her initial petition
854 or upon completing the remedial actions, whichever is earlier.
855 (f) Notwithstanding any other provision of this title to the contrary, a denial by the
856 Commissioner of a predetermination petition because of the applicant's criminal record
857 shall constitute a contested case as defined in Code Section 50-13-2. In an administrative
858 hearing reviewing the denial of a predetermination petition, the applicant shall have the
859 burden of proving that his or her criminal record does not directly relate to the licensed
860 occupation."

861

PART IV

862

SECTION 4-1.

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

866 "(d) A person who pleaded guilty to a felony offense under Article 3 of Chapter 8 of Title
867 42 and successfully completed the terms of his or her sentence pursuant to Article 3 of
868 Chapter 8 of Title 42 may, at the council's discretion, be certified and employed as a
869 firefighter if such person otherwise meets the qualifications set forth in this Code section.

870 Such person shall provide information on the circumstances underlying the plea of guilty,
 871 as requested by the council, to enable the council to make an informed decision on such
 872 individual's qualification status."

873 **PART V**
 874 **SECTION 5-1.**

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

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

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

889 **PART VI**
 890 **SECTION 6-1.**

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

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

895 **SECTION 6-2.**

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