

House Bill 1281

By: Representatives Buckner of the 137<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Robichaux of the 48<sup>th</sup>, Holcomb of the 81<sup>st</sup>, Frye of the 118<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to  
2 disclosure and dissemination of criminal records to private persons and businesses, resulting  
3 responsibility and liability of issuing center, and provision of certain information to the FBI  
4 in conjunction with the National Instant Criminal Background Check System, so as to change  
5 provisions relating to the retention of a person's involuntary hospitalization information; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and  
10 dissemination of criminal records to private persons and businesses, resulting responsibility  
11 and liability of issuing center, and provision of certain information to the FBI in conjunction  
12 with the National Instant Criminal Background Check System, is amended by revising  
13 paragraph (2) of subsection (e) as follows:

14 "(2) The records of the ~~Georgia Crime Information Center~~ center shall include  
15 information as to whether a person has been involuntarily hospitalized. Notwithstanding  
16 any other provisions of law and in order to carry out the provisions of this Code section

17 and Code Section 16-11-172, the ~~Georgia Crime Information Center~~ center shall be  
18 provided such information and no other mental health information from the involuntary  
19 hospitalization records of the probate courts concerning persons involuntarily  
20 hospitalized after March 22, 1995, in a manner agreed upon by the Probate Judges  
21 Training Council and the ~~Georgia Bureau of Investigation~~ bureau to preserve the  
22 confidentiality of patients' rights in all other respects. Further, notwithstanding any other  
23 provisions of law and in order to carry out the provisions of this Code section and Code  
24 Section 16-11-172, the center shall be provided information as to whether a person has  
25 been adjudicated mentally incompetent to stand trial or not guilty by reason of insanity  
26 at the time of the crime, has been involuntarily hospitalized, or both from the records of  
27 the clerks of the superior courts concerning persons involuntarily hospitalized after  
28 March 22, 1995, in a manner agreed upon by The Council of Superior Court Clerks of  
29 Georgia and the ~~Georgia Bureau of Investigation~~ bureau to preserve the confidentiality  
30 of patients' rights in all other respects. ~~After five years have elapsed from the date that~~  
31 ~~a person's involuntary hospitalization information has been received by the Georgia~~  
32 ~~Crime Information Center, the center shall purge its records of such information as soon~~  
33 ~~as practicable and in any event purge such records within 30 days after the expiration of~~  
34 ~~such five-year period."~~

35 **SECTION 2.**

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