

The House Committee on Judiciary Non-Civil offers the following substitute to HB 623:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the  
2 powers and duties of the Georgia Crime Information Center, so as to allow the center to  
3 retain fingerprints of certain individuals under certain circumstances and submit such  
4 fingerprints to the Federal Bureau of Investigation; to provide for an exchange of information  
5 to certain entities; to provide for removal of fingerprints under certain circumstances; to  
6 provide for fees; to amend Titles 3, 7, 9, 10, 17, 19, 20, 25, 26, 29, 31, 33, 35, 37, 38, 40, 42,  
7 43, and 49 of the Official Code of Georgia Annotated, relating to alcoholic beverages,  
8 banking and finance, civil practice, commerce and trade, criminal procedure, domestic  
9 relations, education, fire protection and safety, food, drugs, and cosmetics, guardian and  
10 ward, health, insurance, law enforcement officers and agencies, mental health, military,  
11 emergency management, and veterans affairs, motor vehicles and traffic, penal institutions,  
12 professions and businesses, and social services, respectively, so as to allow the Georgia  
13 Bureau of Investigation and, as authorized, the Federal Bureau of Investigation to retain  
14 fingerprints when an agency or entity is participating in the bureau's program; to provide for  
15 related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **PART I**  
18 **SECTION 1-1.**

19 Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the powers and  
20 duties of the Georgia Crime Information Center, is amended by deleting "or" at the end of  
21 subparagraph (a)(1)(D), by inserting "or" at the end of subparagraph (a)(1)(E), and by adding  
22 a new subparagraph to read as follows:

23 "(F) Are individuals for whom fingerprint based criminal history checks are authorized  
24 by this state's or federal law for the purpose of determining suitability or fitness for  
25 employment, placement, registration, a permit, or a license for an agency or qualified

26 entity which is participating in the federal program that allows an ongoing and  
 27 continuing review of such individual's criminal history; provided, however, that such  
 28 fingerprints shall be retained and maintained securely and separately from records  
 29 relating to the identification of criminals, and provided, further, that the center shall not  
 30 file or retain fingerprints submitted for the purpose of obtaining or renewing a weapons  
 31 carry license, as such term is defined in Code Section 16-11-125.1;"

### 32 **SECTION 1-2.**

33 Said Code section is further amended in subsection (a) by deleting "and" at the end of  
 34 paragraph (16), by replacing the period with a semicolon at the end of paragraph (17), and  
 35 by adding three new paragraphs to read as follows:

36 "(18) Submit fingerprints obtained pursuant to subparagraph (F) of paragraph (1) of this  
 37 subsection to the Federal Bureau of Investigation for retention under the rules established  
 38 by the United States Department of Justice for processing and identification of records.  
 39 Such fingerprints shall be searched by future submissions to the Federal Bureau of  
 40 Investigation and the center shall send appropriate responses to submitting and  
 41 subscribing entities;

42 (19) Remove fingerprints obtained pursuant to subparagraph (F) of paragraph (1) of this  
 43 subsection within ten days of being notified that an individual whose fingerprints were  
 44 retained under such program is no longer employed by, volunteering for, placed by, or  
 45 registered, licensed, or permitted by the participating agency or qualified entity. It shall  
 46 also remove such fingerprints when such agency or qualified entity is no longer  
 47 participating in such program. The center shall also notify the Federal Bureau of  
 48 Investigation of such information; and

49 (20) Be authorized to charge an annual subscriber fee not to exceed \$500.00 to any entity  
 50 which is not a state agency that desires to participate in the program described in  
 51 subparagraph (F) of paragraph (1) of this subsection."

## 52 **PART II**

### 53 **SECTION 2-1.**

54 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is  
 55 amended by adding a new subsection to Code Section 3-3-2, relating to powers of local  
 56 governing authorities as to granting, refusal, suspension, or revocation of licenses generally,  
 57 due process guidelines, and fingerprints, to read as follows:

58 "(d) If the local governing authority is participating in the program described in  
 59 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and

60 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained  
 61 pursuant to this Code section for such program and the local governing authority shall  
 62 notify the individual whose fingerprints were taken of the parameters of such retention."

63 **SECTION 2-2.**

64 Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is  
 65 amended by adding a new subsection to Code Section 7-1-684, relating to investigation of  
 66 applicants for licensure and background checks on employees and others, to read as follows:

67 "(h) If the department is participating in the program described in subparagraph (a)(1)(F)  
 68 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 69 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 70 section for such program and the department shall notify the individual whose fingerprints  
 71 were taken of the parameters of such retention."

72 **SECTION 2-3.**

73 Said title is further amended by adding a new subsection to Code Section 7-1-703, relating  
 74 to investigation of applicants and background checks of employees, to read as follows:

75 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
 76 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 77 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 78 section for such program and the department shall notify the individual whose fingerprints  
 79 were taken of the parameters of such retention."

80 **SECTION 2-4.**

81 Said title is further amended by adding a new subsection to Code Section 7-1-1004, relating  
 82 to investigation of applicant and its officers, audit, and education, experience, and other  
 83 requirements relative to licensees and registrants, to read as follows:

84 "(s) If the department is participating in the program described in subparagraph (a)(1)(F)  
 85 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 86 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 87 section for such program and the department shall notify the individual whose fingerprints  
 88 were taken of the parameters of such retention."

89 **SECTION 2-5.**

90 Said title is further amended by adding a new subsection to Code Section 7-9-7, relating to  
 91 investigation, approval or disapproval of charter application, "conviction data" defined,  
 92 background checks, and impact of disapproval, to read as follows:

93 "(i) If the department is participating in the program described in subparagraph (a)(1)(F)  
 94 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 95 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 96 section for such program and the department shall notify the individual whose fingerprints  
 97 were taken of the parameters of such retention."

98 **SECTION 2-6.**

99 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by  
 100 revising subparagraph (b)(1)(A) and subsection (c) of Code Section 9-11-4.1, relating to  
 101 certified process servers, as follows:

102 "(A) Has undergone a criminal record check based on fingerprints and has never been  
 103 convicted of a felony or of impersonating a peace officer or other public officer or  
 104 employee under Code Section 16-10-23. If the Judicial Council of Georgia is  
 105 participating in the program described in subparagraph (a)(1)(F) of Code Section  
 106 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain fingerprints  
 107 obtained pursuant to this Code section for such program and the Judicial Council of  
 108 Georgia shall notify the individual whose fingerprints were taken of the parameters of  
 109 such retention;"

110 "(c) **Renewal and revocation of certification.** A certified process server shall be required  
 111 to renew his or her certification every three years. Any certified process server failing to  
 112 renew his or her certification shall no longer be approved to serve as a certified process  
 113 server. At the time of renewal, the certified process server shall provide evidence that he  
 114 or she has completed three annual five-hour courses of continuing education which courses  
 115 have been approved by the Administrative Office of the Courts and has undergone an  
 116 updated criminal record check, unless his or her fingerprints were retained under the  
 117 program described in subparagraph (a)(1)(F) of Code Section 35-3-33. The certification  
 118 of a process server may be revoked or suspended by a superior court judge for cause at any  
 119 time. If a complaint has been filed by a sheriff alleging serious misconduct by the process  
 120 server, such judge may suspend the certification for up to five business days while the  
 121 matter is considered by the judge."

122 **SECTION 2-7.**

123 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
 124 amended by adding a new subsection to Code Section 10-5-35, relating to application and  
 125 consent to service of process, to read as follows:

126 "(g) If the Commissioner is participating in the program described in subparagraph  
 127 (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal

128 Bureau of Investigation shall be authorized to retain fingerprints obtained pursuant to this  
129 Code section for such program and the Commissioner shall notify the individual whose  
130 fingerprints were taken of the parameters of such retention."

131 **SECTION 2-8.**

132 Said title is further amended by adding a new subsection to Code Section 10-9-9, relating to  
133 officers of board, terms of officers, authority of officers, and compensation, to read as  
134 follows:

135 "(f) If the board of governors is participating in the program described in  
136 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and  
137 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained  
138 pursuant to this Code section for such program and the board of governors shall notify the  
139 individual whose fingerprints were taken of the parameters of such retention."

140 **SECTION 2-9.**

141 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
142 amended by adding a new subsection to Code Section 17-6-50, relating to persons deemed  
143 professional bondsmen and criminal background investigation information to be provided  
144 to clerk of court, to read as follows:

145 "(e) If the sheriff is participating in the program described in subparagraph (a)(1)(F) of  
146 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
147 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
148 section for such program and the sheriff shall notify the individual whose fingerprints were  
149 taken of the parameters of such retention."

150 **SECTION 2-10.**

151 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
152 amended by adding a new subsection to Code Section 19-8-16, relating to investigation by  
153 child-placing agency or other agent, to read as follows:

154 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
155 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
156 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
157 section for such program and the department shall notify the individual whose fingerprints  
158 were taken of the parameters of such retention."

**SECTION 2-11.**

159

160 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
161 revising Code Section 20-1A-31, relating to records check application for potential  
162 employees and fingerprint records checks, as follows:

163 "20-1A-31.

164 (a) A support center may furnish to the department a records check application for each  
165 potential employee of any licensed, commissioned, or permitted early care and education  
166 program. Before a person affiliated with a support center may become an employee of any  
167 licensed, commissioned, or permitted early care and education program, such person shall  
168 obtain a ~~satisfactory~~ fingerprint records check determination that is satisfactory. All  
169 potential employees, excluding students currently enrolled in an early education curriculum  
170 through an accredited school of higher education, may submit evidence, satisfactory to the  
171 department, that such potential employee received a ~~satisfactory~~ fingerprint records check  
172 determination that is satisfactory and that includes a records check determination clearance  
173 date that is no more than 12 months old, or that any employee whose fingerprint records  
174 check determination revealed a criminal record of any kind has either subsequently  
175 received a ~~satisfactory~~ fingerprint records check determination that is satisfactory or has  
176 had the unsatisfactory determination reversed in accordance with Code Section 20-1A-43.  
177 A student currently enrolled in an early education curriculum through an accredited school  
178 of higher education may submit evidence, satisfactory to the department, that such student  
179 received a ~~satisfactory~~ fingerprint records check determination that is satisfactory and that  
180 includes a records check clearance date that is no more than 24 months old, or that such  
181 student whose fingerprint records check determination revealed a criminal record of any  
182 kind has either subsequently received a ~~satisfactory~~ fingerprint records check determination  
183 that is satisfactory or has had the unsatisfactory determination reversed in accordance with  
184 Code Section 20-1A-43. The licensed, commissioned, or permitted early care and  
185 education program shall maintain documentation in the employee's personnel file, which  
186 is available to the department upon request, and which reflects that a ~~satisfactory~~  
187 fingerprint records check determination that was satisfactory was received before the  
188 employee is allowed to reside in an early care and education program or be present at an  
189 early care and education program while children are present for care. If the fingerprint  
190 records check determination for any potential employee reveals a criminal record of any  
191 kind, such potential employee shall not be allowed to reside in an early care and education  
192 program or be present at an early care and education program while children are present  
193 for care until such potential employee has either obtained a ~~satisfactory~~ fingerprint records  
194 check determination that is satisfactory or has had the unsatisfactory ~~fingerprint records~~  
195 ~~check~~ determination reversed in accordance with Code Section 20-1A-43. If the fingerprint

196 records check determination is unsatisfactory, the licensed, commissioned, or permitted  
 197 early care and education program shall, after receiving notification of such unsatisfactory  
 198 determination, take such steps as are necessary so that such person no longer resides in the  
 199 early care and education program and no longer is present at an early care and education  
 200 program while children are present for care. The time frames set forth in this subsection  
 201 shall not apply when fingerprints have been retained by the department due to its  
 202 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33.  
 203 (b) Notwithstanding the limited period of portability, every person affiliated with a support  
 204 center as a potential employee of a licensed or commissioned early care and education  
 205 program shall undergo an additional fingerprint records ~~checks~~ check determination such  
 206 that the time between such additional fingerprint records ~~checks~~ check determination and  
 207 that person's previous fingerprint records check determination shall not exceed five years  
 208 except when fingerprints have been retained by the department due to its participation in  
 209 the program described in subparagraph (a)(1)(F) of Code Section 35-3-33.  
 210 (c) After the issuance of a registration, the department may require additional fingerprint  
 211 records check determinations on any person affiliated with a support center during the  
 212 course of a child abuse investigation involving such person or when the department has  
 213 reason to believe such person has a criminal record that renders such person ineligible to  
 214 reside at an early care and education program or be present at an early care and education  
 215 program while children are present for care."

216 **SECTION 2-12.**

217 Said title is further amended by adding a new subsection to Code Section 20-1A-32, relating  
 218 to program license or commission applicants, records check requirements, and change of  
 219 ownership, to read as follows:

220 "(d) The time frames set forth in this Code section shall not apply when fingerprints have  
 221 been retained by the department due to its participation in the program described in  
 222 subparagraph (a)(1)(F) of Code Section 35-3-33."

223 **SECTION 2-13.**

224 Said title is further amended by revising subsection (b) of Code Section 20-1A-34, relating  
 225 to check of fingerprints on national level, satisfactory determination prior to employment,  
 226 and additional records checks, and adding a new subsection to read as follows:

227 "(b) Every potential employee of the department or contractor performing duties on behalf  
 228 of the department who may have any reason to be present at a licensed or commissioned  
 229 early care and education program while any child is present for care must receive a  
 230 satisfactory fingerprint records check determination that is satisfactory or have had an

231 unsatisfactory ~~fingerprint records check~~ determination reversed in accordance with Code  
 232 Section 20-1A-43 prior to being present at a licensed or commissioned early care and  
 233 education program while children are present for care. Every current employee of the  
 234 department who may have any reason to be present at a licensed or commissioned early  
 235 care and education program while any child is present for care must receive a ~~satisfactory~~  
 236 fingerprint records check determination that is satisfactory or have had an unsatisfactory  
 237 ~~fingerprint records check~~ determination reversed in accordance with Code Section  
 238 20-1A-43. Every employee of the department shall undergo an additional fingerprint  
 239 records ~~checks~~ check determination such that the time between such additional fingerprint  
 240 records ~~checks~~ check determination and that employee's previous fingerprint records check  
 241 determination shall not exceed five years except when fingerprints have been retained by  
 242 the department due to its participation in the program described in subparagraph (a)(1)(F)  
 243 of Code Section 35-3-33. The department shall maintain documentation in the appropriate  
 244 personnel file indicating that such person has obtained such current ~~satisfactory~~ fingerprint  
 245 records check determination that is satisfactory or has had an unsatisfactory ~~fingerprint~~  
 246 ~~records check~~ determination reversed in accordance with Code Section 20-1A-43.

247 (c) If the department is participating in the program described in subparagraph (a)(1)(F)  
 248 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 249 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 250 section for such program and the department shall notify the individual whose fingerprints  
 251 were taken of the parameters of such retention."

252 **SECTION 2-14.**

253 Said title is further amended by revising subsection (a) of Code Section 20-1A-38, relating  
 254 to change of directors and records check requirements, as follows:

255 "(a) If the director of a licensed, commissioned, or permitted early care and education  
 256 program ceases to be the director of that early care and education program, the license  
 257 holder, commission holder, or permit holder shall thereupon designate a new director.  
 258 After such change, the license holder, commission holder, or permit holder of that early  
 259 care and education program shall notify the department of such change and of any  
 260 additional information the department may require regarding the newly designated director  
 261 of that early care and education program, including a fingerprint records check application.  
 262 Such individuals shall also submit all necessary applications, fees, and acceptable  
 263 fingerprints to ~~the~~ GCIC. If the department determines that such newly designated director  
 264 has received a ~~satisfactory~~ fingerprint records check determination that is satisfactory and  
 265 that includes a records check clearance date that is no more than 12 months old or had an  
 266 unsatisfactory determination reversed pursuant to Code Section 20-1A-43 within the prior



267 12 months, such determination shall be deemed to be satisfactory for purposes of this  
 268 article. The time frames set forth in this subsection shall not apply when fingerprints have  
 269 been retained by the department due to its participation in the program described in  
 270 subparagraph (a)(1)(F) of Code Section 35-3-33."

271 **SECTION 2-15.**

272 Said title is further amended by revising subsections (a) and (c) of Code Section 20-1A-39,  
 273 relating to potential employees, current employees and directors, records check requirements,  
 274 satisfactory records check, and liability for hiring ineligible employee, as follows:

275 "(a) Before a person may become an employee of any early care and education program  
 276 after that early care and education program has received a license or commission, that early  
 277 care and education program shall require that person to obtain a ~~satisfactory~~ fingerprint  
 278 records check determination that is satisfactory. All potential employees, excluding  
 279 students currently enrolled in an early education curriculum through an accredited school  
 280 of higher education, may submit evidence, satisfactory to the department, that the potential  
 281 employee received a ~~satisfactory~~ fingerprint records check determination that is satisfactory  
 282 and that includes a records check clearance date that is no more than 12 months old, or that  
 283 any potential employee whose fingerprint records check revealed a criminal record of any  
 284 kind has either subsequently received a ~~satisfactory~~ fingerprint records check determination  
 285 that is satisfactory or has had the unsatisfactory determination reversed in accordance with  
 286 Code Section 20-1A-43. A student currently enrolled in an early education curriculum  
 287 through an accredited school of higher education may submit evidence, satisfactory to the  
 288 department, that the student received a ~~satisfactory~~ fingerprint records check determination  
 289 that is satisfactory and that includes a records check clearance date that is no more than 24  
 290 months old, or that such student whose fingerprint records check revealed a criminal record  
 291 of any kind has either subsequently received a ~~satisfactory~~ fingerprint records check  
 292 determination that is satisfactory or has had the unsatisfactory determination reversed in  
 293 accordance with Code Section 20-1A-43. The licensed or commissioned early care and  
 294 education program shall maintain documentation in the employee's personnel file, which  
 295 is available to the department upon request, which reflects that a ~~satisfactory~~ fingerprint  
 296 records check determination that is satisfactory was received before the employee is  
 297 eligible to reside at an early care and education program or be present at a licensed or  
 298 commissioned early care and education program while children are present for care. If the  
 299 fingerprint records check determination for any potential employee reveals a criminal  
 300 record of any kind, such potential employee shall be ineligible to reside at an early care and  
 301 education program or be present at an early care and education program while children are  
 302 present for care until such potential employee has either obtained a ~~satisfactory~~ fingerprint

303 records check determination that is satisfactory or has had the unsatisfactory ~~fingerprint~~  
 304 ~~records check~~ determination reversed in accordance with Code Section 20-1A-43. If the  
 305 fingerprint records check determination is unsatisfactory, the licensed or commissioned  
 306 early care and education program shall, after receiving notification of such unsatisfactory  
 307 determination, take such immediate steps as are necessary so that such person no longer  
 308 resides at the early care and education program or is no longer present at the early care and  
 309 education program while children are present for care. The department shall revoke the  
 310 license or commission of an early care and education program if the early care and  
 311 education program fails to comply with the requirements of this Code section. The time  
 312 frames set forth in this subsection shall not apply when fingerprints have been retained by  
 313 the department due to its participation in the program described in subparagraph (a)(1)(F)  
 314 of Code Section 35-3-33."

315 "(c) Effective January 1, 2019, every employee and director of any licensed or  
 316 commissioned early care and education program shall undergo an additional fingerprint  
 317 records ~~checks~~ check determination such that the time between such additional fingerprint  
 318 records ~~checks~~ check determination and that employee's or director's previous fingerprint  
 319 records check determination shall not exceed five years except when fingerprints have been  
 320 retained by the department due to its participation in the program described in  
 321 subparagraph (a)(1)(F) of Code Section 35-3-33. The early care and education program  
 322 shall maintain documentation in the appropriate personnel file, which is available to the  
 323 department immediately upon request, indicating that such person has obtained such  
 324 current ~~satisfactory~~ fingerprint records check determination that is satisfactory or has had  
 325 an unsatisfactory ~~fingerprint records check~~ determination reversed in accordance with Code  
 326 Section 20-1A-43. The department shall revoke the license or commission of an early care  
 327 and education program if the early care and education program fails to comply with the  
 328 requirements of this Code section."

329 **SECTION 2-16.**

330 Said title is further amended by revising subsection (d) of Code Section 20-2-211.1, relating  
 331 to clearance certificates issued by the Professional Standards Commission relating to  
 332 fingerprint and criminal background checks, as follows:

333 "(d)(1) Local units of administration shall have the authority and responsibility to order  
 334 criminal record checks pursuant to this Code section through the Georgia Crime  
 335 Information Center and the Federal Bureau of Investigation and shall have the authority  
 336 to receive the results of such criminal record checks. Local units of administration shall  
 337 also have the authority to forward the results of criminal record checks to the Professional  
 338 Standards Commission as necessary regarding potential violations of the code of ethics

339 for educators. The Professional Standards Commission shall also have the authority to  
 340 order criminal record checks pursuant to this Code section through the Georgia Crime  
 341 Information Center and the Federal Bureau of Investigation and shall have the authority  
 342 to receive the results of such criminal record checks.

343 (2) Fingerprints shall be in such form and of such quality as shall be acceptable for  
 344 submission to the Georgia Crime Information Center and the Federal Bureau of  
 345 Investigation. It shall be the duty of each law enforcement agency in this state to  
 346 fingerprint those persons required to be fingerprinted by this Code section.

347 (3) If a local unit of administration is participating in the program described in  
 348 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and  
 349 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained  
 350 pursuant to this Code section for such program and the local unit of administration shall  
 351 notify the individual whose fingerprints were taken of the parameters of such retention."

352 **SECTION 2-17.**

353 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
 354 amended by adding a new subsection to Code Section 25-4-8, relating to qualifications of  
 355 firefighters generally, to read as follows:

356 "(d) If the local fire department is participating in the program described in subparagraph  
 357 (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal  
 358 Bureau of Investigation shall be authorized to retain fingerprints obtained pursuant to this  
 359 Code section for such program and the local fire department shall notify the individual  
 360 whose fingerprints were taken of the parameters of such retention."

361 **SECTION 2-18.**

362 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,  
 363 is amended by adding a new subsection to Code Section 26-5-61, relating to records check  
 364 applications for narcotic treatment programs, to read as follows:

365 "(f) If the department is participating in the program described in subparagraph (a)(1)(F)  
 366 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 367 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 368 section for such program and the department shall notify the individual whose fingerprints  
 369 were taken of the parameters of such retention."

370 **SECTION 2-19.**

371 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is  
 372 amended by adding a new subsection to Code Section 29-9-19, relating to petitioner for  
 373 guardian or conservator to submit to criminal history records check, to read as follows:

374 "(c) If the court is participating in the program described in subparagraph (a)(1)(F) of Code  
 375 Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 376 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 377 section for such program and the court shall notify the individual whose fingerprints were  
 378 taken of the parameters of such retention."

379 **SECTION 2-20.**

380 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
 381 a new subsection to Code Section 31-2-9, relating to records check requirement for certain  
 382 health care facilities, definitions, use of information gathered in investigation, penalties for  
 383 unauthorized release or disclosure, and rules and regulations, to read as follows:

384 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
 385 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 386 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 387 section for such program and the department shall notify the individual whose fingerprints  
 388 were taken of the parameters of such retention."

389 **SECTION 2-21.**

390 Said title is further amended by adding a new subsection to Code Section 31-2A-7, relating  
 391 to "conviction data" defined, department authorized to receive data from law enforcement  
 392 relevant to employment decisions, and criminal history information, to read as follows:

393 "(h) If the department is participating in the program described in subparagraph (a)(1)(F)  
 394 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 395 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 396 section for such program and the department shall notify the individual whose fingerprints  
 397 were taken of the parameters of such retention."

398 **SECTION 2-22.**

399 Said title is further amended by revising Code Section 31-7-254, relating to transmission of  
 400 director's fingerprints to Georgia Crime Information Center for review and notification to  
 401 department of findings, as follows:

402 "31-7-254.

403 After issuing a temporary license based upon a ~~satisfactory~~ preliminary records check  
 404 determination of the director that is satisfactory under Code Section 31-7-253, the  
 405 department shall transmit to GCIC both sets of fingerprints and the records search fee from  
 406 that director's records check application. Upon receipt thereof, GCIC shall promptly  
 407 transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau  
 408 records and an appropriate report and shall retain the other set and promptly conduct a  
 409 search of its records and records to which it has access. Within 75 days after receiving  
 410 fingerprints acceptable to GCIC, the application, and fee, GCIC shall notify the department  
 411 in writing of any derogatory finding, including but not limited to any criminal record, of  
 412 the fingerprint records check or if there is no such finding. If the department is  
 413 participating in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33,  
 414 the Georgia Bureau of Investigation and the Federal Bureau of Investigation shall be  
 415 authorized to retain fingerprints obtained pursuant to this Code section for such program  
 416 and the department shall notify the individual whose fingerprints were taken of the  
 417 parameters of such retention."

418 **SECTION 2-23.**

419 Said title is further amended by revising Code Section 31-7-258, relating to change of facility  
 420 director, notification to department, and effect of department determination, as follows:

421 "31-7-258.

422 (a) If the director of a facility which has been issued a regular license ceases to be the  
 423 director of that facility, the licensee shall thereupon designate a new director. After such  
 424 change, the licensee of that facility shall notify the department of such change and of any  
 425 additional information the department may require regarding the newly designated director  
 426 of that facility. Such information shall include but not be limited to any information the  
 427 licensee may have regarding preliminary or fingerprint records check determinations  
 428 regarding that director. After receiving a change of director notification, the department  
 429 shall make a written determination from the information furnished with such notification  
 430 and the department's own records as to whether a satisfactory or unsatisfactory preliminary  
 431 or fingerprint records check determination has ever been made for the newly designated  
 432 director. If the department determines that such director within 12 months prior thereto has  
 433 had a ~~satisfactory~~ fingerprint records check determination that is satisfactory, such  
 434 determination shall be deemed to be a satisfactory fingerprint records check determination  
 435 as to that director. The license of that facility shall not be adversely affected by that change  
 436 in director and the licensee shall be so notified. The time frames set forth in this subsection

437 shall not apply when fingerprints have been retained by the department due to its  
 438 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33.  
 439 (b) If the department determines under subsection (a) of this Code section that there has  
 440 ever been an ~~unsatisfactory~~ preliminary or fingerprint records check determination of the  
 441 newly designated director that was unsatisfactory, the personal care home and that director  
 442 shall be notified thereof. The license for that director's facility shall be indefinitely  
 443 suspended unless the personal care home designates another director for whom it has not  
 444 received or made an unsatisfactory ~~preliminary or fingerprint records check~~ determination  
 445 and proceeds pursuant to the provisions of this Code section relating to a change of  
 446 director.

447 (c) If the department determines under subsection (a) of this Code section that there has  
 448 been no fingerprint records check determination regarding the newly designated director  
 449 within the immediately preceding 12 months, the department shall so notify the personal  
 450 care home. The personal care home shall furnish to the department the records check  
 451 application of the newly designated director or the license of that facility shall be  
 452 indefinitely suspended. If that records check application is so received, unless the  
 453 department has within the immediately preceding 12 months made a ~~satisfactory~~  
 454 preliminary records check determination that is satisfactory regarding the newly designated  
 455 director, the department shall perform a preliminary records check and determination of  
 456 the newly designated director; and the applicant and that director shall be notified thereof.  
 457 If that determination is unsatisfactory, the provisions of subsection (b) of this Code section  
 458 regarding procedures after notification shall apply. If that determination is satisfactory, the  
 459 department shall perform a fingerprint records check and determination for that director as  
 460 provided in Code Sections 31-7-254 and 31-7-255. If that determination is satisfactory, the  
 461 personal care home and director for whom the determination was made shall be so notified,  
 462 and the license for the facility at which that person is the newly designated director shall  
 463 not be adversely affected by that change of director. If that determination is unsatisfactory,  
 464 the provisions of subsection (b) of this Code section shall apply. The time frames set forth  
 465 in this subsection shall not apply when fingerprints have been retained by the department  
 466 due to its participation in the program described in subparagraph (a)(1)(F) of Code Section  
 467 35-3-33."

468 **SECTION 2-24.**

469 Said title is further amended by adding a new subsection to Code Section 31-7-259, relating  
 470 to preliminary records check determination, suspension or revocation of license, refusal to  
 471 issue regular license, fingerprint check, employment history, director's criminal liability,

472 exempt employees, mitigating factors in criminal records check, and civil penalty, to read as  
473 follows:

474 "(n) If the department is participating in the program described in subparagraph (a)(1)(F)  
475 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
476 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
477 section for such program and the department shall notify the individual whose fingerprints  
478 were taken of the parameters of such retention."

479 **SECTION 2-25.**

480 Said title is further amended by adding a new subsection to Code Section 31-11-51, relating  
481 to certification and recertification of emergency medical technicians, rules and regulations,  
482 and use of conviction data in licensing decisions, to read as follows:

483 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
484 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
485 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
486 section for such program and the department shall notify the individual whose fingerprints  
487 were taken of the parameters of such retention."

488 **SECTION 2-26.**

489 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
490 adding a new subsection to Code Section 33-23-5.1, relating to conviction data, to read as  
491 follows:

492 "(c) If the Commissioner is participating in the program described in subparagraph  
493 (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal  
494 Bureau of Investigation shall be authorized to retain fingerprints obtained pursuant to this  
495 Code section for such program and the Commissioner shall notify the individual whose  
496 fingerprints were taken of the parameters of such retention."

497 **SECTION 2-27.**

498 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and  
499 agencies, is amended by revising paragraph (15) of subsection (a) of Code Section 35-3-33,  
500 relating to powers and duties of the Georgia Crime Information Center generally, as follows:

501 "(15) Receive and process fingerprints from the Supreme Court of Georgia Office of Bar  
502 Admissions for the purpose of determining whether or not an applicant for admission to  
503 the State Bar of Georgia has a criminal record. The processing shall include submission  
504 of fingerprints to the ~~Georgia Bureau of Investigation~~ bureau and the Federal Bureau of  
505 Investigation for comparison to each of their respective files and data bases. If the

506 Supreme Court of Georgia Office of Bar Admissions is participating in the program  
 507 described in subparagraph (F) of paragraph (1) of this subsection, the bureau and the  
 508 Federal Bureau of Investigation shall be authorized to retain fingerprints obtained  
 509 pursuant to this paragraph for such program and the Supreme Court of Georgia Office of  
 510 Bar Admissions shall notify the individual whose fingerprints were taken of the  
 511 parameters of such retention;"

512 **SECTION 2-28.**

513 Said title is further amended by revising subsection (h) of Code Section 35-3-34.2, relating  
 514 to exchange of national criminal history background checks on providers of care to children,  
 515 the elderly, and persons with disabilities, as follows:

516 "(h) The qualified entity must obtain the fingerprints of the provider, communicate the  
 517 fitness determination of the authorized agency to the provider, and notify the provider of  
 518 his or her right to challenge the accuracy and completeness of any information contained  
 519 in the national criminal history background check. If the qualified entity is participating  
 520 in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia  
 521 Bureau of Investigation and the Federal Bureau of Investigation shall be authorized to  
 522 retain fingerprints obtained pursuant to this Code section for such program and the  
 523 qualified entity shall notify the individual whose fingerprints were taken of the parameters  
 524 of such retention."

525 **SECTION 2-29.**

526 Said title is further amended by adding a new subsection to Code Section 35-3-35, relating  
 527 to disclosure and dissemination of records to public agencies and political subdivisions and  
 528 responsibility and liability of issuing center, to read as follows:

529 "(f) If a public agency, political subdivision, authority, and instrumentality, including state  
 530 or federal licensing and regulatory agencies or their designated representatives, is  
 531 participating in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33,  
 532 the Georgia Bureau of Investigation and the Federal Bureau of Investigation shall be  
 533 authorized to retain fingerprints obtained pursuant to this Code section for such program  
 534 and the public agency, political subdivision, authority, and instrumentality, including state  
 535 or federal licensing and regulatory agencies or their designated representatives, shall notify  
 536 the individual whose fingerprints were taken of the parameters of such retention."



537 **SECTION 2-30.**

538 Said title is further amended by adding a new subsection to Code Section 35-8-6, relating to  
 539 appointment of executive director of council, contracts for services, personnel, investigators,  
 540 subpoenas, funding, and gifts, grants, or donations, as follows:

541 "(g) If the council is participating in the program described in subparagraph (a)(1)(F) of  
 542 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 543 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 544 section for such program and the council shall notify the individual whose fingerprints  
 545 were taken of the parameters of such retention."

546 **SECTION 2-31.**

547 Said title is further amended by adding a new subsection to Code Section 35-8-8, relating to  
 548 requirements for appointment or certification of persons as peace officers and  
 549 preemployment attendance at basic training course and "employment related information"  
 550 defined, to read as follows:

551 "(d) If the employer is participating in the program described in subparagraph (a)(1)(F) of  
 552 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 553 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 554 section for such program and the employer shall notify the individual whose fingerprints  
 555 were taken of the parameters of such retention."

556 **SECTION 2-32.**

557 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
 558 adding a new subsection to Code Section 37-1-28, relating to conviction data, to read as  
 559 follows:

560 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
 561 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 562 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 563 section for such program and the department shall notify the individual whose fingerprints  
 564 were taken of the parameters of such retention."

565 **SECTION 2-33.**

566 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency  
 567 management, and veterans affairs, is amended by adding a new subsection to Code Section  
 568 38-3-27, relating to local organizations for emergency management, creation, structure,  
 569 powers, directors, appointment, qualifications, and compensation, state to provide financial  
 570 assistance, and entitlement for funding, to read as follows:

571 "(g) If the director of emergency management is participating in the program described in  
 572 subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau of Investigation and  
 573 the Federal Bureau of Investigation shall be authorized to retain fingerprints obtained  
 574 pursuant to this Code section for such program and the director of emergency management  
 575 shall notify the individual whose fingerprints were taken of the parameters of such  
 576 retention."

577 **SECTION 2-34.**

578 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 579 amended by adding a new subsection to Code Section 40-5-39, relating to requirements for  
 580 operation of a motor vehicle for hire, for-hire license endorsements and eligibility, term, and  
 581 background checks, to read as follows:

582 "(h) If the department is participating in the program described in subparagraph (a)(1)(F)  
 583 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 584 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 585 section for such program and the department shall notify the individual whose fingerprints  
 586 were taken of the parameters of such retention."

587 **SECTION 2-35.**

588 Said title is further amended by adding a new subsection to Code Section 40-5-82, relating  
 589 to administration of program, to read as follows:

590 "(f) If the department is participating in the program described in subparagraph (a)(1)(F)  
 591 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 592 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 593 section for such program and the department shall notify the individual whose fingerprints  
 594 were taken of the parameters of such retention."

595 **SECTION 2-36.**

596 Said title is further amended by adding a new subsection to Code Section 40-5-83, relating  
 597 to establishment, approval, and operation of clinics and programs, out-of-state certificates  
 598 of completion, instructor licenses, fees, and submission of fingerprints by applicants, to read  
 599 as follows:

600 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
 601 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 602 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 603 section for such program and the department shall notify the individual whose fingerprints  
 604 were taken of the parameters of such retention."

605 **SECTION 2-37.**

606 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
 607 by revising Code Section 42-8-106.1, relating to powers and duties of the Board of  
 608 Community Supervision, as follows:

609 "42-8-106.1.

610 (a) The board shall have the following powers and duties, provided that, with respect to  
 611 promulgating the rules, regulations, and standards set forth in this subsection, the board  
 612 shall seek input from the commissioner of community supervision:

613 (1) To promulgate rules and regulations to implement the uniform professional standards  
 614 for probation officers and uniform contract standards for the establishment of probation  
 615 services by a county, municipality, or consolidated government established in Code  
 616 Section 42-8-107;

617 (2) To promulgate rules and regulations establishing a 40 hour initial orientation for  
 618 newly hired private probation officers and for 20 hours per annum of continuing  
 619 education for private probation officers, provided that the 40 hour initial orientation shall  
 620 not be required of any person who has successfully completed a basic course of training  
 621 for supervision of probationers or parolees certified by the Georgia Peace Officer  
 622 Standards and Training Council or any private probation officer who has been employed  
 623 by a private probation corporation, enterprise, or agency for at least six months as of July  
 624 1, 1996;

625 (3) To promulgate rules and regulations establishing a 40 hour initial orientation for  
 626 probation officers and for 20 hours per annum of continuing education for such probation  
 627 officers, provided that the 40 hour initial orientation shall not be required of any person  
 628 who has successfully completed a basic course of training for supervision of probationers  
 629 or parolees certified by the Georgia Peace Officer Standards and Training Council or any  
 630 probation officer who has been employed by a county, municipality, or consolidated  
 631 government as of March 1, 2006;

632 (4) To promulgate rules and regulations relative to compliance with the provisions of this  
 633 article and enforcement mechanisms;

634 (5) To promulgate rules and regulations establishing registration for any private  
 635 corporation, private enterprise, private agency, county, municipality, or consolidated  
 636 government providing probation services under the provisions of this article, subject to  
 637 the provisions of Code Section 42-8-109.3;

638 (6) To promulgate rules and regulations requiring criminal history record checks of  
 639 individuals seeking to become private probation officers and establishing procedures for  
 640 such criminal record checks. DCS on behalf of the board shall conduct a criminal history  
 641 records check for individuals seeking to become probation officers as provided in Code

642 Section 35-3-34. The board shall promulgate rules and regulations relating to restrictions  
 643 regarding misdemeanor convictions. An agency or private entity shall also be authorized  
 644 to conduct a criminal history records check of a person employed as a probation officer  
 645 or private probation officer or individuals seeking such positions. The criminal history  
 646 records check may be conducted in accordance with Code Section 35-3-34 and may be  
 647 based upon the submission of fingerprints of the individual whose records are requested.  
 648 The Georgia Bureau of Investigation shall submit the fingerprints to the Federal Bureau  
 649 of Investigation under the rules established by the United States Department of Justice  
 650 for processing and identification of records. The federal record, if any, shall be obtained  
 651 and returned to the requesting ~~entity~~ or agency or entity;

652 (7) To promulgate rules and regulations requiring probation officers and private  
 653 probation officers to be registered with DCS, pay a fee for such registration, and provide  
 654 for the board to impose sanctions and fines on such officers for misconduct; and

655 (8) To impose sanctions for noncompliance with this article or the board's rules and  
 656 regulations.

657 (b) If DCS on behalf of the board, an agency, or private entity is participating in the  
 658 program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau  
 659 of Investigation and the Federal Bureau of Investigation shall be authorized to retain  
 660 fingerprints obtained pursuant to this Code section for such program and DCS on behalf  
 661 of the board, an agency, or private entity, as applicable, shall notify the individual whose  
 662 fingerprints were taken of the parameters of such retention."

663 **SECTION 2-38.**

664 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
 665 is amended by adding a new subsection to Code Section 43-11-40, relating to qualification  
 666 of applicants and criminal background check, to read as follows:

667 "(e) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 668 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain  
 669 fingerprints obtained pursuant to this Code section for such program and the board shall  
 670 notify the individual whose fingerprints were taken of the parameters of such retention."

671 **SECTION 2-39.**

672 Said title is further amended by adding a new subsection to Code Section 43-11-41, relating  
 673 to application for provisional license to practice dentistry by credentials, procedure, criminal  
 674 background check, and expiration and revocation of license, to read as follows:

675 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 676 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain

677 fingerprints obtained pursuant to this Code section for such program and the board shall  
 678 notify the individual whose fingerprints were taken of the parameters of such retention."

679 **SECTION 2-40.**

680 Said title is further amended by adding a new subsection to Code Section 43-11-42, relating  
 681 to reciprocity and criminal background check, to read as follows:

682 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 683 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain  
 684 fingerprints obtained pursuant to this Code section for such program and the board shall  
 685 notify the individual whose fingerprints were taken of the parameters of such retention."

686 **SECTION 2-41.**

687 Said title is further amended by adding a new subsection to Code Section 43-11-52, relating  
 688 to volunteers in dentistry and dental hygiene, special licensing, and construction, to read as  
 689 follows:

690 "(j) If the board is participating in the program described in subparagraph (a)(1)(F) of Code  
 691 Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain  
 692 fingerprints obtained pursuant to this Code section for such program and the board shall  
 693 notify the individual whose fingerprints were taken of the parameters of such retention."

694 **SECTION 2-42.**

695 Said title is further amended by adding a new subsection to Code Section 43-11-71, relating  
 696 to qualifications of applicants for license and criminal background check, to read as follows:

697 "(c) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 698 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain  
 699 fingerprints obtained pursuant to this Code section for such program and the board shall  
 700 notify the individual whose fingerprints were taken of the parameters of such retention."

701 **SECTION 2-43.**

702 Said title is further amended by adding a new subsection to Code Section 43-11-71.1, relating  
 703 to application for license to practice dental hygiene by credentials, procedure, criminal  
 704 background check, and expiration of license, to read as follows:

705 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 706 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain  
 707 fingerprints obtained pursuant to this Code section for such program and the board shall  
 708 notify the individual whose fingerprints were taken of the parameters of such retention."

709

**SECTION 2-44.**

710 Said title is further amended by revising Code Section 43-12A-6, relating to acts  
 711 disqualifying person from operating provider center or engaging in practice of providing,  
 712 installing, or monitoring ignition interlock devices, as follows:

713 "43-12A-6.

714 (a) Every person who desires to operate a provider center or to engage in the practice of  
 715 providing, installing, or monitoring ignition interlock devices:

716 (1) Shall not have knowingly made misleading, deceptive, untrue, or fraudulent  
 717 representations in the practice of a business or profession licensed under this title or on  
 718 any document connected therewith; or practiced fraud or deceit or intentionally made any  
 719 false statement in obtaining a license to practice the licensed business or profession; or  
 720 made a false statement or deceptive registration with the board;

721 (2) Shall not have been convicted of a second or subsequent violation of Code Section  
 722 40-6-391 within five years, as measured from the dates of previous arrests for which  
 723 convictions were obtained to the date of the current arrest for which a conviction is  
 724 obtained;

725 (3) Shall not have been convicted of any felony or of any crime involving theft, fraud,  
 726 violence, or moral turpitude in the courts of this state or any other state, territory, or  
 727 country or in the courts of the United States. As used in this paragraph, the term 'felony'  
 728 shall mean any offense which, if committed in this state, would be deemed a felony,  
 729 without regard to its designation elsewhere; and the term 'conviction' shall mean a finding  
 730 or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction  
 731 has been sought;

732 (4) Shall not have been arrested, charged, and sentenced for the commission of any  
 733 felony, or any crime involving theft, fraud, violence, or moral turpitude, where:

734 (A) First offender treatment without adjudication of guilt pursuant to the charge was  
 735 granted; or

736 (B) An adjudication of guilt or sentence was otherwise withheld or not entered on the  
 737 charge, except with respect to a plea of nolo contendere.

738 The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating  
 739 to probation of first offenders, or other first offender treatment shall be conclusive  
 740 evidence of arrest and sentencing for such crime;

741 (5) Shall submit at least one set of classifiable electronically recorded fingerprints to the  
 742 department in accordance with the fingerprint system of identification established by the  
 743 director of the Federal Bureau of Investigation. The department shall transmit the  
 744 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 745 to the Federal Bureau of Investigation for a search of bureau records and an appropriate

746 report and promptly conduct a search of state records based upon the fingerprints. After  
 747 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 748 of Investigation, the department shall determine whether the applicant may be certified;  
 749 and

750 (6) Shall be a United States citizen, or if not a citizen, shall present federal  
 751 documentation verified by the United States Department of Homeland Security to be  
 752 valid documentary evidence of lawful presence in the United States under federal  
 753 immigration law.

754 (b) If the department is participating in the program described in subparagraph (a)(1)(F)  
 755 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 756 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 757 section for such program and the department shall notify the individual whose fingerprints  
 758 were taken of the parameters of such retention."

759 **SECTION 2-45.**

760 Said title is further amended by revising Code Section 43-13-4, relating to qualifications of  
 761 driver training school operators, as follows:

762 "43-13-4.

763 (a) Every person who desires to operate a driver training school or a commercial driver  
 764 training school shall meet the following requirements:

765 (1) Be of good moral character;

766 (2) Maintain an established place of business in the State of Georgia which is open to the  
 767 public;

768 (3) Maintain bodily injury and property damage liability insurance on motor vehicles  
 769 while used in driver training instruction, insuring the liability of the driver training  
 770 school, the driving instructors, and any person taking instruction, in at least the following  
 771 amounts: \$100,000.00 for bodily injury to or death of one person in any one accident and,  
 772 subject to such limit for one person, \$300,000.00 for bodily injury to or death of two or  
 773 more persons in any one accident and the amount of \$50,000.00 for damage to property  
 774 of others in any one accident. Evidence of such insurance coverage, in the form of a  
 775 certificate from the insurance carrier, shall be filed with the department; and such  
 776 certificate shall stipulate that the insurance shall not be canceled except upon ten days'  
 777 prior written notice to the department. Such insurance shall be written by a company  
 778 authorized to do business in this state;

779 (4) Provide a continuous surety company bond in the principal sum of \$10,000.00 for the  
 780 protection of the contractual rights of students in such form as will meet with the  
 781 approval of the department and written by a company authorized to do business in this

782 state; provided, however, that the aggregate liability of the surety for all breaches of the  
 783 condition of the bond in no event shall exceed the principal sum of \$10,000.00 per  
 784 location, and a single bond at such rate for all schools operated by the same person may  
 785 be provided in satisfaction of this paragraph. The surety on any such bond may cancel  
 786 such bond on giving 30 days' notice thereof in writing to the department and shall be  
 787 relieved of liability for any breach of any condition of the bond which occurs after the  
 788 effective date of cancellation. If at any time said bond is not valid and in force, the  
 789 license of the school or program shall be deemed suspended by operation of law until a  
 790 valid surety company bond is again in force;

791 (5) Have the equipment necessary to the giving of proper instruction in the operation of  
 792 motor vehicles as prescribed by the department;

793 (6) Pay to the department an application fee for the approval of driver training schools  
 794 and instructors, commercial driver training schools and instructors, and limited license  
 795 driver training schools and instructors. The amount of this fee shall be established by the  
 796 commissioner of driver services and shall, as best as the commissioner shall determine,  
 797 approximate the expense incurred by the department in consideration of the license  
 798 applications. These licenses and each renewal thereof shall be valid for a period of four  
 799 years unless suspended or revoked prior to the expiration of that time period;

800 (7) Submit at least one set of classifiable electronically recorded fingerprints to the  
 801 department in accordance with the fingerprint system of identification established by the  
 802 director of the Federal Bureau of Investigation. The department shall transmit the  
 803 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 804 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 805 report and promptly conduct a search of state records based upon the fingerprints. After  
 806 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 807 of Investigation, the department shall determine whether the applicant may be certified;  
 808 and

809 (8) Be a United States citizen, or if not a citizen, present federal documentation verified  
 810 by the United States Department of Homeland Security to be valid documentary evidence  
 811 of lawful presence in the United States under federal immigration law.

812 (b) If the department is participating in the program described in subparagraph (a)(1)(F)  
 813 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 814 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 815 section for such program and the department shall notify the individual whose fingerprints  
 816 were taken of the parameters of such retention."



817 **SECTION 2-46.**

818 Said title is further amended by revising Code Section 43-13-5, relating to qualifications of  
 819 driver training school instructors, as follows:

820 "43-13-5.

821 (a) Every person who desires to qualify as an instructor for a driver training school or a  
 822 commercial driver training school shall meet the following requirements:

823 (1) Be of good moral character;

824 (2) Present to the department evidence of credit in driver education and safety from an  
 825 accredited college or university equivalent to credits in those subjects which are required  
 826 of instructors in the public schools of this state or give satisfactory performance on a  
 827 written, oral, performance, or combination examination administered by the department  
 828 testing both knowledge of the field of driver education and skills necessary to instruct and  
 829 impart driving skills and safety to students. The examination shall be administered  
 830 quarterly or upon the written application of four or more prospective licensees. The  
 831 examination fee shall be established by the commissioner of driver services;

832 (3) Be physically able to operate safely a motor vehicle and to instruct others in the  
 833 operation of motor vehicles;

834 (4) Hold a valid driver's license;

835 (5) Pay to the department an application fee to be established by the commissioner of  
 836 driver services;

837 (6) Submit at least one set of classifiable electronically recorded fingerprints to the  
 838 department in accordance with the fingerprint system of identification established by the  
 839 director of the Federal Bureau of Investigation. The department shall transmit the  
 840 fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints  
 841 to the Federal Bureau of Investigation for a search of bureau records and an appropriate  
 842 report and promptly conduct a search of state records based upon the fingerprints. After  
 843 receiving the report from the Georgia Crime Information Center and the Federal Bureau  
 844 of Investigation, the department shall determine whether the applicant may be certified;  
 845 and

846 (7) Be a United States citizen, or if not a citizen, present federal documentation verified  
 847 by the United States Department of Homeland Security to be valid documentary evidence  
 848 of lawful presence in the United States under federal immigration law.

849 (b) If the department is participating in the program described in subparagraph (a)(1)(F)  
 850 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 851 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 852 section for such program and the department shall notify the individual whose fingerprints  
 853 were taken of the parameters of such retention."

854 **SECTION 2-47.**

855 Said title is further amended by adding a new subsection to Code Section 43-13-6.1, relating  
 856 to special licenses for driver training school instructors qualified to teach alcohol and drug  
 857 course, fingerprinting requirement, and citizenship requirement, to read as follows:

858 "(d) If the department is participating in the program described in subparagraph (a)(1)(F)  
 859 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 860 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 861 section for such program and the department shall notify the individual whose fingerprints  
 862 were taken of the parameters of such retention."

863 **SECTION 2-48.**

864 Said title is further amended by adding a new subsection to Code Section 43-20-8, relating  
 865 to issuance of licenses and fees, to read as follows:

866 "(e) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 867 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 868 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 869 section for such program and the board shall notify the individual whose fingerprints were  
 870 taken of the parameters of such retention."

871 **SECTION 2-49.**

872 Said title is further amended by revising Code Section 43-22A-7, relating to requirements for  
 873 application for licensure, as follows:

874 "43-22A-7.

875 (a) Except as provided in paragraph (4) of this Code section, each applicant for a license  
 876 as a lactation consultant shall be at least 18 years of age, shall have submitted a completed  
 877 application upon a form and in such manner as the Secretary prescribes, accompanied by  
 878 applicable fees, and shall be in compliance with the following requirements:

879 (1) Meeting the international education and clinical standards established for IBCLCs  
 880 by the IBLCE, or its successor organization;

881 (2) Providing proof of successful completion of the IBLCE examination or the  
 882 examination of any successor organization;

883 (3) Having satisfactory results from a criminal background check report conducted by  
 884 the Georgia Crime Information Center and the Federal Bureau of Investigation, as  
 885 determined by the Secretary. Application for a license under this Code section shall  
 886 constitute express consent and authorization for the Secretary to perform a criminal  
 887 background check. Each applicant who submits an application to the Secretary for  
 888 licensure agrees to provide the Secretary with any and all information necessary to run

889 a criminal background check, including, but not limited to, classifiable sets of  
 890 fingerprints. The applicant shall be responsible for all fees associated with the  
 891 performance of such background check; and

892 (4) Completing such other requirements as may be prescribed by the Secretary.

893 (b) If the Secretary is participating in the program described in subparagraph (a)(1)(F) of  
 894 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 895 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 896 section for such program and the Secretary shall notify the individual whose fingerprints  
 897 were taken of the parameters of such retention."

898 **SECTION 2-50.**

899 Said title is further amended by adding a new subsection to Code Section 43-24A-8, relating  
 900 to licensure of massage therapists and application and requirements, to read as follows:

901 "(c) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 902 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 903 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 904 section for such program and the board shall notify the individual whose fingerprints were  
 905 taken of the parameters of such retention."

906 **SECTION 2-51.**

907 Said title is further amended by revising Code Section 43-25A-5, relating to application for  
 908 music therapy license, as follows:

909 "43-25A-5.

910 (a) The Secretary shall issue a license to an applicant for a music therapy license when  
 911 such applicant has completed and submitted an application upon a form and in such manner  
 912 as the Secretary prescribes, accompanied by applicable fees, and evidence satisfactory to  
 913 the Secretary that:

914 (1) The applicant is at least 18 years of age;

915 (2) The applicant holds a bachelor's degree or higher in music therapy, or its equivalent,  
 916 from a program approved by the American Music Therapy Association or any successor  
 917 organization within an accredited college or university;

918 (3) The applicant successfully completes a minimum of 1,200 hours of clinical training,  
 919 with at least 180 hours in preinternship experiences and at least 900 hours in internship  
 920 experiences, provided that the internship shall be approved by an academic institution,  
 921 the American Music Therapy Association, or any successor organization, or both;

922 (4) The applicant is in good standing based on a review of the applicant's music therapy  
 923 licensure history in other jurisdictions, including a review of any alleged misconduct or  
 924 neglect in the practice of music therapy on the part of the applicant;

925 (5) The applicant provides proof of passing the examination for board certification  
 926 offered by the Certification Board for Music Therapists or any successor organization or  
 927 provides proof of being transitioned into board certification, and provides proof that the  
 928 applicant is currently a board certified music therapist; and

929 (6) The applicant has satisfactory results from a fingerprint ~~record~~ records check report  
 930 conducted by the Georgia Crime Information Center and the Federal Bureau of  
 931 Investigation, as determined by the Secretary. Application for a license under this Code  
 932 section shall constitute express consent and authorization for the Secretary or his or her  
 933 representative to perform a criminal background check. Each applicant who submits an  
 934 application to the Secretary for licensure by examination agrees to provide the Secretary  
 935 with any and all information necessary to run a criminal background check, including,  
 936 but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for  
 937 all fees associated with the performance of such background check.

938 (b) If the Secretary is participating in the program described in subparagraph (a)(1)(F) of  
 939 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 940 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 941 section for such program and the Secretary shall notify the individual whose fingerprints  
 942 were taken of the parameters of such retention."

943 **SECTION 2-52.**

944 Said title is further amended by adding a new subsection to Code Section 43-26-7, relating  
 945 to requirements for licensure as registered professional nurse and requirements for  
 946 nontraditional nursing education program, to read as follows:

947 "(f) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 948 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 949 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 950 section for such program and the board shall notify the individual whose fingerprints were  
 951 taken of the parameters of such retention."

952 **SECTION 2-53.**

953 Said title is further amended by revising Code Section 43-26-36.1, relating to fingerprint  
 954 record and criminal background checks for applicants for licensure and fees, as follows:

955 "43-26-36.1.  
 956 Any applicant for licensure under this article shall have satisfactory results from a  
 957 fingerprint ~~record~~ records check report conducted by the Georgia Crime Information Center  
 958 and the Federal Bureau of Investigation, as determined by the board. Application for a  
 959 license under this article shall constitute express consent and authorization for the board  
 960 or its representative to perform a criminal background check. Each applicant who submits  
 961 an application to the board for licensure agrees to provide the board with any and all  
 962 information necessary to run a criminal background check, including, but not limited to,  
 963 classifiable sets of fingerprints. The applicant shall be responsible for all fees associated  
 964 with the performance of such background check. If the board is participating in the  
 965 program described in subparagraph (a)(1)(F) of Code Section 35-3-33, the Georgia Bureau  
 966 of Investigation and the Federal Bureau of Investigation shall be authorized to retain  
 967 fingerprints obtained pursuant to this Code section for such program and the board shall  
 968 notify the individual whose fingerprints were taken of the parameters of such retention."

969 **SECTION 2-54.**

970 Said title is further amended by adding a new subsection to Code Section 43-38-6, relating  
 971 to licenses, qualifications, criminal records, fingerprints, bond, insurance, or net worth  
 972 affidavit, display of license, suspension, temporary permits, and license recognition  
 973 agreements, to read as follows:

974 "(j) If the board is participating in the program described in subparagraph (a)(1)(F) of Code  
 975 Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 976 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 977 section for such program and the board shall notify the individual whose fingerprints were  
 978 taken of the parameters of such retention. The time frames set forth in this Code section  
 979 shall not apply when fingerprints have been retained by the board due to its participation  
 980 in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."

981 **SECTION 2-55.**

982 Said title is further amended by adding a new subsection to Code Section 43-38-7, relating  
 983 to licensing of armed employees, qualifications, continuing education, fingerprints, license  
 984 card, and suspension, to read as follows:

985 "(h) If the board is participating in the program described in subparagraph (a)(1)(F) of  
 986 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 987 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 988 section for such program and the board shall notify the individual whose fingerprints were  
 989 taken of the parameters of such retention."

990 **SECTION 2-56.**

991 Said title is further amended by revising subsections (b) and (d) of Code Section 43-38-7.1,  
992 relating to registration records of unarmed security employees and fingerprint identification  
993 of prospective registrants, as follows:

994 "(b) The licensee shall forward fingerprints received from each prospective registrant to  
995 the Georgia Crime Information Center of the Georgia Bureau of Investigation for the  
996 purpose of criminal identification through the fingerprint system of identification  
997 established by the Georgia Bureau of Investigation and the fingerprint system of  
998 investigation established by the Federal Bureau of Investigation. If the board is  
999 participating in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33,  
1000 the Georgia Bureau of Investigation and the Federal Bureau of Investigation shall be  
1001 authorized to retain fingerprints obtained pursuant to this Code section for such program  
1002 and the board shall notify the individual whose fingerprints were taken of the parameters  
1003 of such retention."

1004 "(d) At such times as the board may require, fingerprint cards of registrants may be  
1005 periodically reprocessed by a licensee to identify criminal convictions subsequent to  
1006 registration; provided, however, that when fingerprints have been retained by the board due  
1007 to its participation in the program described in subparagraph (a)(1)(F) of Code Section  
1008 35-3-33, there shall be no need for reprocessing."

1009 **SECTION 2-57.**

1010 Said title is further amended by revising subsection (c) of Code Section 43-38-9, relating to  
1011 disposition of applicants' fingerprints, as follows:

1012 "(c) At such times as the board may require, fingerprint cards of licensees and registrants  
1013 may be periodically reprocessed to identify criminal convictions subsequent to licensure  
1014 or registration; provided, however, that when fingerprints have been retained by the board  
1015 due to its participation in the program described in subparagraph (a)(1)(F) of Code Section  
1016 35-3-33, there shall be no need for reprocessing."

1017 **SECTION 2-58.**

1018 Said title is further amended by adding a new subsection to Code Section 43-39A-22.1,  
1019 relating to conviction data defined, fingerprint records check, and disclosure, to read as  
1020 follows:

1021 "(c) If the board is participating in the program described in subparagraph (a)(1)(F) of  
1022 Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
1023 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code

1024 section for such program and the board shall notify the individual whose fingerprints were  
 1025 taken of the parameters of such retention."

1026 **SECTION 2-59.**

1027 Said title is further amended by adding a new subsection to Code Section 43-40-27.1, relating  
 1028 to conviction data, to read as follows:

1029 "(c) If the commission is participating in the program described in subparagraph (a)(1)(F)  
 1030 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 1031 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 1032 section for such program and the commission shall notify the individual whose fingerprints  
 1033 were taken of the parameters of such retention."

1034 **SECTION 2-60.**

1035 Said title is further amended by revising Code Section 43-47-6, relating to general powers  
 1036 and duties of board, as follows:

1037 "43-47-6.

1038 (a) All powers and duties under this chapter not specifically reserved to the board shall be  
 1039 the powers and duties of the division. The board shall have the following powers and  
 1040 duties:

1041 (1) To receive applications for registration of licensees and to forward them to the  
 1042 appropriate division;

1043 (2) To make such rules and regulations as may be necessary to effectuate the  
 1044 administration and enforcement of this chapter;

1045 (3) To arrange for all new applicants to have a mandatory criminal background check;  
 1046 ~~which background check shall be mandatory.~~ The applicant's fingerprints shall be  
 1047 forwarded to the Georgia Crime Information Center which shall run a criminal  
 1048 background check on the applicant and provide the results of the background check to the  
 1049 board. Additionally, the applicant's fingerprints will be forwarded to the Federal Bureau  
 1050 of Investigation for a national criminal history record check;

1051 (4) To publish in print or electronically on or before September 1 of each year an  
 1052 alphabetical listing of all licensees pursuant to this chapter and to distribute copies of the  
 1053 same, if requested, to the Department of Public Safety, the Department of Revenue, and  
 1054 the Georgia Bureau of Investigation, to all sheriffs in this state, and to all county and  
 1055 municipal police departments in this state;

1056 (5) To establish a fee for a license for each principal place of business and a fee for a  
 1057 supplemental license for each place of business not immediately adjacent to the principal  
 1058 place of business. The board may establish separate schedules of fees for such licenses

1059 depending on whether the applicant begins to do business as a licensee prior to or after  
1060 the issuance of any such license; and

1061 (6) To do all other things necessary and proper to carry out the powers and duties listed  
1062 in this Code section.

1063 (b) If the board is participating in the program described in subparagraph (a)(1)(F) of Code  
1064 Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
1065 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
1066 section for such program and the board shall notify the individual whose fingerprints were  
1067 taken of the parameters of such retention."

1068 **SECTION 2-61.**

1069 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
1070 by adding a new subsection to Code Section 49-2-14, relating to record search for conviction  
1071 data on prospective employees, to read as follows:

1072 "(i) If the department is participating in the program described in subparagraph (a)(1)(F)  
1073 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
1074 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
1075 section for such program and the department shall notify the individual whose fingerprints  
1076 were taken of the parameters of such retention."

1077 **SECTION 2-62.**

1078 Said title is further amended by adding a new subsection to Code Section 49-2-14.1, relating  
1079 to definitions and records check requirement for licensing certain facilities, to read as  
1080 follows:

1081 "(g) If the department is participating in the program described in subparagraph (a)(1)(F)  
1082 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
1083 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
1084 section for such program and the department shall notify the individual whose fingerprints  
1085 were taken of the parameters of such retention."

1086 **SECTION 2-63.**

1087 Said title is further amended by revising Code Section 49-5-62, relating to records check  
1088 application for director of new facility and preliminary records check for employees, as  
1089 follows:

1090 "49-5-62.

1091 (a) Accompanying any application for a new license for a facility, the applicant shall  
1092 furnish to the department a records check application for the director and a satisfactory



1093 preliminary records check for each employee of such facility that is satisfactory. In lieu  
 1094 of such records check applications, the applicant may submit evidence, satisfactory to the  
 1095 department, that within the immediately preceding 12 months the director received  
 1096 satisfactory state and national fingerprint records check determinations that were  
 1097 satisfactory and each employee received a ~~satisfactory~~ preliminary records check  
 1098 determination that was satisfactory, or that any employee other than the director whose  
 1099 preliminary records check revealed a criminal record of any kind has either subsequently  
 1100 received ~~satisfactory~~ state and national fingerprint records check determinations that were  
 1101 satisfactory or has had the unsatisfactory determination reversed in accordance with Code  
 1102 Section 49-5-73. The department may either perform preliminary records checks under  
 1103 agreement with GCIC or contract with GCIC and appropriate law enforcement agencies  
 1104 which have access to GCIC information to have those agencies perform for the department  
 1105 a preliminary records check for each preliminary records check application submitted  
 1106 thereto by the department. Either the department or the appropriate law enforcement  
 1107 agencies may charge reasonable fees for performing preliminary records checks.

1108 (b) If the department is participating in the program described in subparagraph (a)(1)(F)  
 1109 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 1110 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 1111 section for such program and the department shall notify the individual whose fingerprints  
 1112 were taken of the parameters of such retention. The time frames set forth in this Code  
 1113 section shall not apply when fingerprints have been retained by the department due to its  
 1114 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."

#### 1115 **SECTION 2-64.**

1116 Said title is further amended by revising Code Section 49-5-63, relating to notice of  
 1117 determination, issue of license, and effect of unsatisfactory determination, as follows:

1118 "49-5-63.

1119 After being furnished the required records check application under Code Section 49-5-62,  
 1120 the department shall notify in writing the license applicant as to each person for whom an  
 1121 application was received regarding whether the department's determination as to that  
 1122 person's state fingerprint records check was satisfactory or unsatisfactory. If the  
 1123 preliminary records check determination was satisfactory as to each employee of an  
 1124 applicant's facility and the state fingerprint records check was satisfactory as to the director,  
 1125 that applicant may be issued a license for that facility if the applicant otherwise qualifies  
 1126 for a license under Article 1 of this chapter. If the state or national fingerprint records  
 1127 check determination was unsatisfactory as to the director of an applicant's facility, the  
 1128 applicant shall designate another director for that facility after receiving notification of the

1129 determination and proceed under Code Section 49-5-62 and this Code section to obtain  
 1130 state and national fingerprint records checks for that newly designated director. If the  
 1131 preliminary records check for any employee other than the director revealed a criminal  
 1132 record of any kind, such employee shall not be allowed to work in the center until he or she  
 1133 either has obtained ~~satisfactory~~ state and national fingerprint records check determinations  
 1134 that are satisfactory or has had the unsatisfactory determination reversed in accordance  
 1135 with Code Section 49-5-73. If the determination was unsatisfactory as to any employee of  
 1136 an applicant's facility, the applicant shall, after receiving notification of that determination,  
 1137 take such steps as are necessary so that such person is no longer an employee. Any  
 1138 employee other than the director who receives a ~~satisfactory~~ preliminary records check  
 1139 determination that is satisfactory shall not be required to obtain a fingerprint records check  
 1140 when fingerprints have been retained by the department due to its participation in the  
 1141 program described in subparagraph (a)(1)(F) of Code Section 35-3-33, unless such an  
 1142 employee has been designated as a director or as permitted by the provisions of subsection  
 1143 (c) of Code Section 49-5-69."

#### 1144 SECTION 2-65.

1145 Said title is further amended by revising Code Section 49-5-64, relating to fingerprint records  
 1146 check, as follows:

1147 "49-5-64.

1148 (a) The department shall transmit to GCIC both sets of fingerprints and the records search  
 1149 fee from each fingerprint records check application. Upon receipt thereof, GCIC shall  
 1150 promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search  
 1151 of bureau records and an appropriate report and shall retain the other set and promptly  
 1152 conduct a search of its records and records to which it has access. Within ten days after  
 1153 receiving fingerprints acceptable to GCIC, the application, and fee, GCIC shall notify the  
 1154 department in writing of any derogatory finding, including but not limited to any criminal  
 1155 record, of the state fingerprint records check or if there is no such finding. After a search  
 1156 of Federal Bureau of Investigation records and fingerprints and upon receipt of the bureau's  
 1157 report, the department shall make a national fingerprint records determination.

1158 (b) If the department is participating in the program described in subparagraph (a)(1)(F)  
 1159 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
 1160 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
 1161 section for such program and the department shall notify the individual whose fingerprints  
 1162 were taken of the parameters of such retention."

**SECTION 2-66.**

1163

1164 Said title is further amended by adding a new subsection to Code Section 49-5-68, relating  
1165 to change of director, to read as follows:

1166 "(d) The time frames set forth in this Code section shall not apply when fingerprints have  
1167 been retained by the department due to its participation in the program described in  
1168 subparagraph (a)(1)(F) of Code Section 35-3-33."

**SECTION 2-67.**

1169

1170 Said title is further amended by adding a new subsection to Code Section 49-5-69.1, relating  
1171 to fingerprint and preliminary records check for foster homes, notice of results, violations,  
1172 and foster parents known to have criminal records, to read as follows:

1173 "(f) If the department is participating in the program described in subparagraph (a)(1)(F)  
1174 of Code Section 35-3-33, the Georgia Bureau of Investigation and the Federal Bureau of  
1175 Investigation shall be authorized to retain fingerprints obtained pursuant to this Code  
1176 section for such program and the department shall notify the individual whose fingerprints  
1177 were taken of the parameters of such retention. The time frames set forth in this Code  
1178 section shall not apply when fingerprints have been retained by the department due to its  
1179 participation in the program described in subparagraph (a)(1)(F) of Code Section 35-3-33."

**SECTION 2-68.**

1180

1181 Said title is further amended by revising subsection (c) of Code Section 49-5-111, relating  
1182 to employers authorized to make records checks and procedure, as follows:

1183 "(c) If the employer is participating in the program described in subparagraph (a)(1)(F) of  
1184 Code Section 35-3-33, the Georgia Bureau of Investigation shall be authorized to retain  
1185 fingerprints obtained pursuant to this article for such program and the employer shall notify  
1186 the individual whose fingerprints were taken of the parameters of such retention."

**PART III**

1187

**SECTION 3-1.**

1188

1189 All laws and parts of laws in conflict with this Act are repealed.