

Senate Bill 114

By: Senators Robertson of the 29th, Dugan of the 30th, Gooch of the 51st, Kennedy of the 18th, Burke of the 11th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to professions and businesses, so as to revise the grounds for
3 refusing to grant or revoking a license; to provide for related matters; to provide for an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general
8 provisions relative to professions and businesses, is amended by revising paragraph (1) of
9 subsection (q) of Code Section 43-1-19, relating to grounds for refusing to grant or revoking
10 licenses, application of Administrative Procedure Act, subpoena powers, disciplinary actions,
11 judicial review, reinstatement, investigations, complaints, surrender, and probationary
12 license, as follows:

13 "(q)(1) Notwithstanding paragraphs (3) and (4) of subsection (a) of this Code section or
14 any other provision of law, and unless a felony or crime involving moral turpitude
15 directly relates to the occupation for which the license is sought or held, no professional
16 licensing board shall refuse to grant a license to an applicant therefor or shall revoke the

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17 license of an individual licensed by that board due solely or in part to such applicant's or
18 licensee's:

19 (A) Conviction of any felony or any crime involving moral turpitude, whether it
20 occurred in the courts of this state or any other state, territory, or country or in the
21 courts of the United States;

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

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

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

27 (E) Sentence for such offense as a result of a plea of nolo contendere; ~~or~~

28 (F) Adjudication of guilt or sentence was otherwise withheld or not entered; or

29 (G) Being under supervision by a community supervision officer, as such term is
30 defined in Code Section 42-3-1, for a conviction of any felony or any crime involving
31 moral turpitude, whether it occurred in the courts of this state or any other state,
32 territory, or country or in the courts of the United States, so long as such individual was
33 not convicted of a felony violation of Chapter 5 of Title 16 nor convicted of a crime
34 requiring registration on the state sexual offender registry."

35 **SECTION 2.**

36 This Act shall become effective upon its approval by the Governor or upon its becoming law
37 without such approval.

38 **SECTION 3.**

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