

Senate Bill 181

By: Senators Payne of the 54th, Kennedy of the 18th, Butler of the 55th, Dugan of the 30th and Islam of the 7th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Georgia Technology Authority, so as to require such authority to conduct certain fingerprint
3 criminal background checks of all current and prospective employees, contractors, and
4 subcontractors with access to state or federal filed tax documents; to provide for legislative
5 findings; to provide for definitions; to provide an effective date; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) A recent audit conducted by the Internal Revenue Service determined that the
11 Georgia Technology Authority has employees, contractors, and subcontractors that have
12 access to tax documents but have not undergone the fingerprint criminal background
13 check required in IRS Publication 1075; and
14 (2) At present, the Georgia Technology Authority does not have the legal authority to
15 require its employees, contractors, and subcontractors with access to tax documents to
16 undergo a fingerprint criminal background check.

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SECTION 2.

18 Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
19 Technology Authority, is amended by adding a new Code section to read as follows:

20 "50-25-4.1.

21 (a) As used in this Code section, the term:

22 (1) 'Tax document' means any return, declaration, report, claim for refund, assessment,
23 demand, act, information return, statement, or other document relating to taxes, including
24 any schedule or attachment thereto and including any amendment thereof, whether
25 prepared by a taxpayer, a tax preparer, or a government or regulatory entity.

26 (2) 'IT related proximity' means having access to IT systems that are not intended to
27 provide direct access to tax documents but may inadvertently provide such access.

28 (b) The authority shall have the power to conduct fingerprint criminal background checks
29 of employees and applicants for employment who have or are reasonably anticipated to
30 have access to or be in physical or IT related proximity of tax documents. Such checks
31 may be conducted as frequently as the authority deems necessary but no less frequently
32 than once every five years.

33 (c) The authority shall have the power to conduct fingerprint criminal background checks
34 of contractors and subcontractors and applicants for positions as contractors and
35 subcontractors who have or are reasonably anticipated to have access to or be in physical
36 or IT related proximity of tax documents. Such checks may be conducted as frequently
37 as the authority deems necessary but no less frequently than once every ten years.

38 (d) Beginning January 1, 2025, and every day thereafter, the authority shall have the power
39 to conduct fingerprint criminal background checks of all current and prospective employees
40 at the authority's discretion without regard to such person's access to tax documents or IT
41 related proximity to such documents.

42 (e) The authority shall submit the fingerprints described in this Code section to the Georgia
43 Crime Information Center in such form and quality as required by such center. The results

44 produced by such center and provided to the authority shall not be subject to public
45 disclosure in accord with Code Section 50-18-72 and other applicable law.

46 (f) The authority shall maintain the documentation produced and provided by the Georgia
47 Crime Information Center's investigation in accord with all relevant requirements under
48 Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act,' and other applicable law.

49 (g) Upon receipt of the fingerprints described herein from the authority, the Georgia Crime
50 Information Center shall promptly transmit one set of fingerprints to the Federal Bureau
51 of Investigation for a search of the bureau records, retain another set of fingerprints, and
52 conduct a search of its own records and records to which it has access. The Georgia Crime
53 Information Center shall notify the authority in writing of the results of its investigation.

54 (h) At the discretion of the authority, fees required by the Georgia Crime Information
55 Center or the Federal Bureau of Investigation for a fingerprint criminal background check
56 shall be paid by the authority or by the individual seeking employment. The authority shall
57 not pay such fees for contractor's and subcontractor's employees.

58 (i) The authority may use the information obtained from an individual's fingerprint
59 criminal background check for the purpose of verifying the identification of such person
60 and to assist in evaluating the fitness of such person for initial or continued employment
61 or, in the case of employees of contractors and subcontractors, only for the purpose of
62 allowing or denying access to tax documents."

63 **SECTION 3.**

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

66 **SECTION 4.**

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