

House Bill 229

By: Representatives Buckner of the 137th, Robichaux of the 48th, Hutchinson of the 107th, and Frye of the 118th

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

15 "(2) The records of the ~~Georgia Crime Information Center~~ center shall include
16 information as to whether a person has been involuntarily hospitalized. Notwithstanding
17 any other provisions of law and in order to carry out the provisions of this Code section
18 and Code Section 16-11-172, the ~~Georgia Crime Information Center~~ center shall be
19 provided such information and no other mental health information from the involuntary
20 hospitalization records of the probate courts concerning persons involuntarily
21 hospitalized after March 22, 1995, in a manner agreed upon by ~~the Probate Judges~~
22 ~~Training Council and the Georgia Bureau of Investigation~~ The Council of Probate Court
23 Judges of Georgia and the bureau to preserve the confidentiality of patients' rights in all
24 other respects. Further, notwithstanding any other provisions of law and in order to carry
25 out the provisions of this Code section and Code Section 16-11-172, the center shall be
26 provided information as to whether a person has been adjudicated mentally incompetent

27 to stand trial or not guilty by reason of insanity at the time of the crime, has been
28 involuntarily hospitalized, or both from the records of the clerks of the superior courts
29 concerning persons involuntarily hospitalized after March 22, 1995, in a manner agreed
30 upon by The Council of Superior Court Clerks of Georgia and the ~~Georgia Bureau of~~
31 ~~Investigation~~ bureau to preserve the confidentiality of patients' rights in all other respects.
32 ~~After five years have elapsed from the date that a person's involuntary hospitalization~~
33 ~~information has been received by the Georgia Crime Information Center, the center shall~~
34 ~~purge its records of such information as soon as practicable and in any event purge such~~
35 ~~records within 30 days after the expiration of such five-year period."~~

36 **SECTION 2.**

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