

House Bill 433

By: Representatives Ballinger of the 23rd, Camp of the 135th, Rice of the 139th, O'Steen of the 169th, Mathiak of the 82nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to Georgia Crime Information Center, so as to provide that the Department of
3 Human Services shall be authorized to access restricted and sealed information to conduct
4 employee oversight in certain circumstances; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
9 Georgia Crime Information Center, is amended by revising paragraph (6) of subsection (a),
10 by revising subparagraphs (v)(1)(E) and (v)(1)(F), and by adding a new subparagraph to
11 paragraph (1) of subsection (v) of Code Section 35-3-37, relating to criminal history record
12 information, review, corrections, and restriction of access for certain dispositions, to read as
13 follows:

14 "(6) 'Restrict,' 'restricted,' or 'restriction' means that the criminal history record
15 information of an individual relating to a particular offense shall be available only to
16 judicial officials and criminal justice agencies for law enforcement or criminal

17 investigative purposes or to criminal justice agencies for purposes of employment in
18 accordance with procedures established by the center or to the Department of Human
19 Services in accordance with subparagraph (v)(1)(G) of this Code section and shall not be
20 disclosed or otherwise made available to any private persons or businesses pursuant to
21 Code Section 35-3-34 or to governmental agencies or licensing and regulating agencies
22 pursuant to Code Section 35-3-35."

23 "(E) Pursuant to a court order; ~~and~~

24 (F) By an individual who is the subject of restricted criminal history record information
25 or sealed court files; and

26 (G) By the Department of Human Services to conduct regulatory oversight and to
27 verify eligibility for prospective and existing employees and contractors as authorized
28 by Article 1 of Chapter 2 of Title 49 and any promulgated rules, regulations, or
29 policies."

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SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.