

House Bill 816 (AS PASSED HOUSE AND SENATE)

By: Representatives Gravley of the 67th, Coomer of the 14th, Willard of the 51st, Ballinger of the 23rd, and Beskin of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated,
2 relating to state administrative organization of the Department of Revenue, so as to provide
3 for mandatory fingerprinting and criminal record checks for certain individuals; to provide
4 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state
9 administrative organization of the Department of Revenue, is amended in Code
10 Section 48-2-6, relating to departmental organization, by adding new subsections to read as
11 follows:

12 "(f) The following persons shall be subject to the mandatory fingerprinting and criminal
13 record checks described in subsection (g) of this Code section:

14 (1) All prospective employees of the department, as a condition of employment;

15 (2) All personnel employed by the department after January 1, 2019, who have not had
16 a criminal record check within the prior ten years, as a condition of continuing
17 employment, with a requirement for subsequent criminal record checks not less
18 frequently than once every ten years;

19 (3) Employees of prospective contractors of the department, and any subcontractors
20 thereof, who may have access to confidential information as provided in Code
21 Section 48-2-15 or 48-7-60 or who may have access to returns or return information as
22 defined in 26 U.S.C. Section 6103 prior to any access to any of the foregoing
23 information; and

24 (4) All personnel employed by contractors of the department, and any subcontractors
25 thereof, after January 1, 2019, who have not had a criminal record check within the prior

26 ten years, with a requirement for subsequent criminal record checks not less frequently
27 than once every ten years.

28 (g)(1) The department's Office of Special Investigations shall have the authority and
29 responsibility to order criminal record checks pursuant to this Code section through the
30 Georgia Crime Information Center and the Federal Bureau of Investigation and shall have
31 the authority to receive the results of such criminal record checks.

32 (2) Fingerprints shall be in such form and of such quality as shall be acceptable for
33 submission to the Georgia Crime Information Center and the Federal Bureau of
34 Investigation. It shall be the duty of each law enforcement agency in this state to
35 fingerprint those persons required to be fingerprinted by this Code section. At the
36 discretion of the department, such fingerprinting may be performed by the department's
37 Office of Special Investigations.

38 (3) Upon receipt thereof, the Georgia Crime Information Center shall promptly transmit
39 one set of fingerprints to the Federal Bureau of Investigation for a search of the bureau
40 records, retain another set of fingerprints, and conduct a search of its own records and
41 records to which it has access. The Georgia Crime Information Center shall notify the
42 department in writing of any findings or if there are no such findings. All conviction data
43 received by the department shall not be public record, shall be privileged, and shall not
44 be disclosed to any other person or agency except to any person or agency which
45 otherwise has a legal right to inspect the employment file. All such information shall be
46 maintained by the department in conformity with the requirements of the Georgia Crime
47 Information Center and the Federal Bureau of Investigation. As used in this subsection,
48 the term 'conviction data' means a record of a finding or verdict of guilty, a plea of guilty,
49 or a plea of nolo contendere with regard to any crime, regardless of whether an appeal of
50 the conviction has been sought.

51 (4) At the discretion of the department, fees required for a criminal record check by the
52 Georgia Crime Information Center or the Federal Bureau of Investigation shall be paid
53 by the department or by the individual seeking employment or making application to the
54 department. Contractors and subcontractors shall pay such fees for their employees and
55 prospective employees.

56 (5) The department may use the information obtained from fingerprinting and a person's
57 criminal record check only for the purpose of verifying the identification of such person
58 and in the official determination of the fitness of such person's qualification for initial or
59 continuing employment, or in the case of employees of contractors and subcontractors,
60 for the purpose of allowing or denying access to legally protected information."

61 **SECTION 2.**

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

64 **SECTION 3.**

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