

The House Committee on Judiciary Non-Civil offers the following substitute to HB 999:

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.