

Georgia Justice Project's Proposed Amendments to SB365 (LC 29 5878-EC)

1. Prohibit Consumer Reporting Agencies (CRAs) from Reporting First Offender Records.

Proposed Amendment:

Line 36 – after “restricted” or an individual has been exonerated and discharged pursuant to Article 3 of Chapter 8 of Title 42.

2. Protect Employers That Hire People with Pardons from Negligent Hiring Liability.

Proposed Amendments:

Line 212 – (b) the term “pardon” means the order granted by the Board of Pardons and Paroles pursuant to Article IV, Section II of the Constitution and Code Section 42-9-42.

Line 213 – after “Corrections” or a pardon by the Board of Pardons and Paroles.

Line 215 – after “Certificate” or pardon

Line 217 –after “Certificate” or pardon

Line 222 –after “Certificate” or pardon.

3. Require CRAs Provide Notice of Negative Report to Applicant and Up to Date Information to Employers.

Proposed Amendment:

Line 41 – (c) A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall:

(1) Notify the consumer of the fact that public record information is being reported by the consumer reporting agency at the time the information is reported to the user of the consumer report, and include the name and address of the person to whom the information is being reported; and

(2) Maintain strict procedures designed to ensure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported, it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

4. Allow Every Person Eligible for Release to also be Eligible for a Certificate of Program Completion.

Proposed Amendment:

~~**Lines 199 - 201** – “An offender who was convicted of a serious violent felony, as such term is defined in Code Section 17-10-6.1, shall not be eligible for such certificate.”~~

5. Provide Definitions of “Consumer Report” and “Consumer Reporting Agency” that are Consistent with Federal Law.

Proposed Amendments:

Line 28 – (1) “consumer report” means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for:

(i) Credit or insurance to be used primarily for personal, family, or household purposes; or

(ii) Employment purposes;

Line 30 – after “parties” and which uses any means or facility of commerce for the purpose of preparing or furnishing consumer reports.”