



SEALING MISDEMEANOR CONVICTIONS IN GEORGIA: THE CASE FOR SECOND CHANCES

The Problem: A Misdemeanor Conviction is a Barrier Long after the Sentence Ends

In Georgia, most convictions stay on an individual's record for life, creating barriers to employment, housing, and other opportunities long after the sentence ends. Even individuals who have been rehabilitated struggle to create a stable life for themselves and their families. Qualified job candidates with a record are often passed over – leaving employers unable to fill open positions in a tight labor market.

The Solution: Restrict and Seal Misdemeanor Convictions for Rehabilitated Individuals

Georgia is an outlier. Most states (39), including many of Georgia's neighbors, allow for certain convictions to be restricted from public access. Research demonstrates that this increases job opportunities, boosts the economy,¹ and increases public safety.² In fact, the Georgia Council on Criminal Justice Reform, with the support of Governor Deal, recommended restricting and sealing certain misdemeanors in its 2018 Report.³

- **Eligibility**

- **3 years** after completion of sentence
- No convictions in the **3 years** prior to petitioning for restriction and sealing

- **Ineligible offenses**

- Any felony – certain sex offenses – serious traffic offenses

- **Is it automatic? NO!**

- A judge decides whether to grant the petition – NOT an automatic process
- Prosecuting attorneys have a chance to object
- Rehabilitation factors considered:
 - Conduct since completing sentence
 - Prior criminal history
 - Circumstances relative to the individual (i.e., mitigation)
 - Harm caused by the public availability of the record

What Does It Mean?

By granting a motion to restrict and seal a misdemeanor conviction, a judge has reviewed the individual characteristics and rehabilitation of the person petitioning. Public access to the conviction is limited but always remains available for law enforcement purposes or where otherwise mandated by statute.

¹ Bucknor, Cherrie, and Alan Barber. *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*. No. 2016-07. Center for Economic and Policy Research (CEPR), 2016.

² Berg, Mark T., and Beth M. Huebner. "Reentry and the ties that bind: An examination of social ties, employment, and recidivism." *Justice quarterly* 28, no. 2 (2011): 382-410.

³ Boggs, Michael P., and Carey A. Miller. *Report of the Georgia Council on Criminal Justice Reform*. 2018, pp. 45–46.