



# Reducing Barriers to Reentry

Georgia Justice Project works with the state legislature and advocates for laws to reduce barriers to reentry for the 4.2 million individuals that have a criminal history in Georgia.

For information on our current policy agenda, see [www.GJP.org](http://www.GJP.org).

2018

- ✓ **Restriction and Sealing Revision – Ga. Code Ann. § 35-3-37(j) & 42-8-66**  
Allows all special restriction petitions, such as Youthful Offender, to be filed in the court of original jurisdiction. Additionally, Retroactive First Offender will be filed in the court that resolved the charges and no fees can be charged. These revisions reduce the financial burden on applicants and simplify the process. **(Effective July 1, 2018)**
- ✓ **Behavioral Incentive Dates Expansion – Ga. Code Ann. § 17-10-1**  
Expands eligibility for early termination of probation to include individuals who have split sentences (incarceration followed by probation). Also requires the court to consider an individual's financial ability to repay restitution when considering early termination. **(Effective July 1, 2018)**

2017

- ✓ **Program and Treatment Completion Certificates – Ga. Code Ann. § 42-3-2**  
The Department of Community Supervision may now issue Program and Treatment Completion Certificates to people on probation, which create a presumption of due care in hiring or leasing for the certificate holder. In 2014, the certificates were made available to people coming out of prison who had completed certain programs (O.C.G.A. § 42-2-5.2), and now will be available to people on probation as well.
- ✓ **Behavioral Incentive Date for Probation Termination – Ga. Code Ann. § 17-10-1.19(a)**  
Allows individuals convicted of their first felony offense to have their probation terminated after three years if all conditions are met.
- ✓ **Retroactive First Offender Clarification – Ga. Code Ann. § 42-8-66**  
Clarifies that the retroactive first offender statute, which went into effect in 2015, applies to all eligible cases since 1968.

2016

- ✓ **Removal of Food Stamp Ban Ga. Code Ann. § 49-4-22**  
Lifts Georgia's lifetime ban on food stamps for individuals with felony drug convictions.
- ✓ **Sealing of First Offender Records Ga. Code Ann. § 42-8-62.1**  
Grants judges the authority to restrict first offender records at the time of sentencing instead of waiting until the sentence is complete and to seal court and jail records for successful first offenders, ensuring that Georgia's First Offender Act provides a real second chance in the digital age.
- ✓ **Occupational Licensing Reform Ga. Code Ann. § 43-1-19**  
Improves the way applicants are considered for state occupational licenses by applying Ban the Box principles. Licensing boards are required to consider a conviction's relevance to the license sought, the time elapsed since the conviction, and the nature of the conviction.
- ✓ **Retroactive Reinstatement of Driver's Licenses Revoked for a Drug Offense Ga. Code. Ann. § 40-5-75(g) and § 40-5-9**

Individuals convicted of non-vehicle related drug offenses prior to 2014, in addition to those convicted after 2014, no longer face automatic driver's license suspension. Additionally, indigent individuals will qualify for waived or reduced reinstatement fees.

- ✓ **Tax Incentive for Parolee Hiring – Ga. Code Ann. § 48-7-40.31**  
Encourages hiring of individuals on parole by providing employers a \$2,500 income tax credit for each parolee hired.
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2015

- ✓ **Ban the Box – Executive Order signed February 23, 2015**  
This fair hiring initiative removes questions about criminal history from the original employment application for state employment and postpones the background check until the interview stage. Employers may only screen for relevant criminal records.
  - ✓ **First Offender Eligibility – Ga. Code Ann. § 42-8-61**  
Eligible individuals must be informed about their first offender eligibility either by their attorney, if represented, or the court if not represented.
  - ✓ **Retroactive Remedy for First Offender Eligibility – Ga. Code Ann. § 42-8-66**  
With the consent of the prosecutor, individuals who would have been eligible for First Offender at the time of their sentencing, but were not aware of their eligibility may be retroactively sentenced as a First Offender.
  - ✓ **Georgia Fair Business Practices Act – Ga. Code Ann. § 10-1-393.14**  
Requires individuals be informed if their criminal history is going to be used to deny them employment. Also allows individuals to dispute incorrect information reported by a Consumer Reporting Agency and creates a state cause of action against agencies that fail to comply.
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2014

- ✓ **License Suspension – Ga. Code Ann. § 40-5-76(b)**  
Gives judges the discretion to reinstate driver's licenses for certain individuals charged with drug offenses not related to the direct operation of a motor vehicle.
  - ✓ **Mugshots Online – Ga. Code Ann. § 35-1-19**  
Prohibits law enforcement from publishing mugshots online.
  - ✓ **Employer Liability – Ga. Code Ann. § 51-1-54**  
Provides some protection from negligent hiring liability claims for employers who hire people who have been pardoned or issued a certificate of rehabilitation by the Department of Corrections.
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2013

- ✓ **Mugshot Removal – Ga. Code Ann. §10-1-393.5**  
Requires mugshot companies to remove photos when the charge(s) is eligible for restriction. Photos must be removed within 30 days of a request, free of charge.
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2012

- ✓ **Record Restriction Law – Ga. Code Ann. § 35-3-37**  
Expands access to restriction (expungement from official criminal history) for non-convictions and allows restriction of certain misdemeanor convictions for Youthful Offenders. Improves the process, reducing the costs to applicants, and allows restricted charges to be sealed so they cannot be reported by private background check companies.