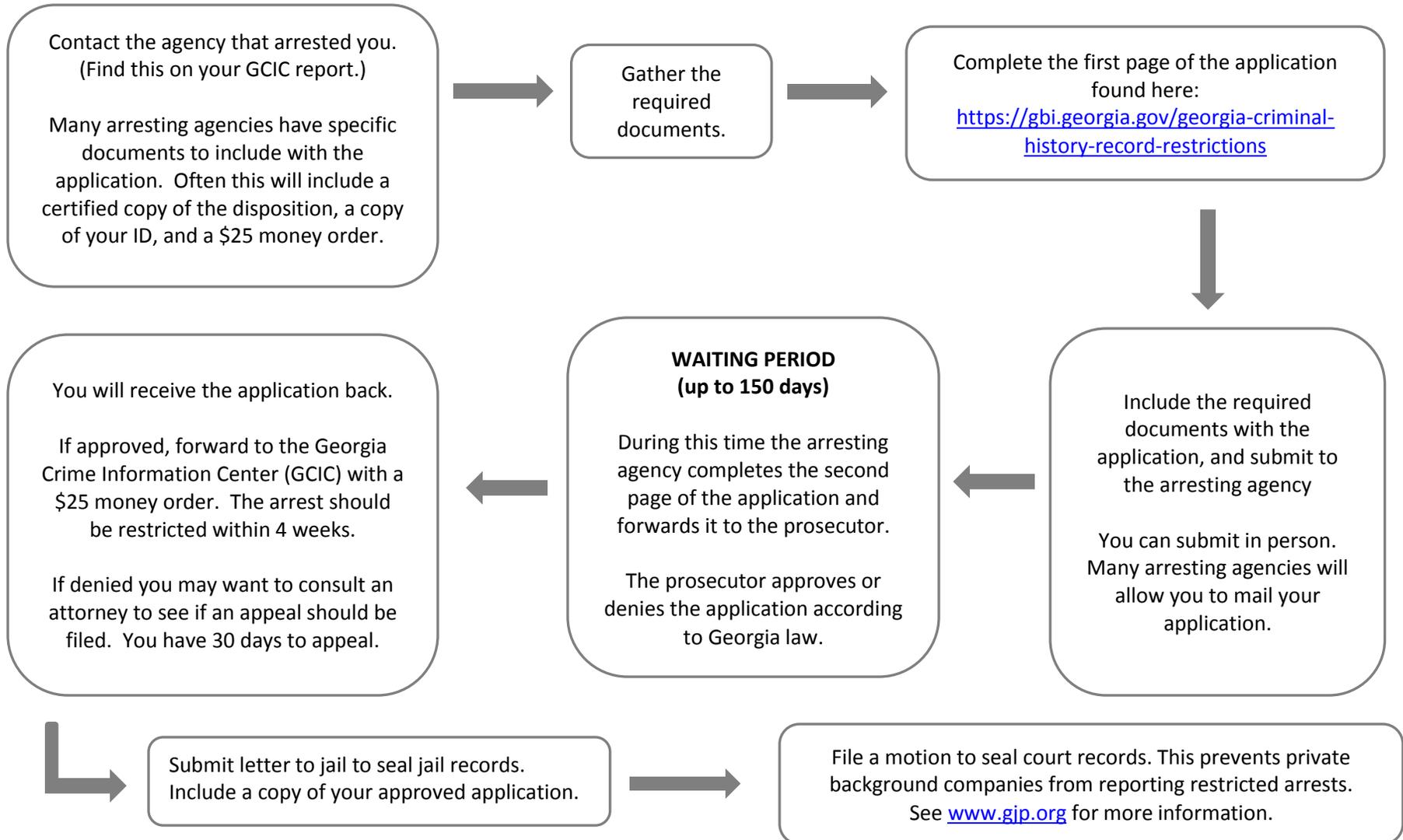


# How to apply for record restriction (expungement)

If you were arrested *before* July 1, 2013, and are eligible, you must complete an application. You must submit a separate application for each eligible arrest.



## Eligibility for Record Restriction (Expungement) under O.C.G.A. § 35-3-37

Eligibility for record restriction is based on the outcome of the case, which is also known as the final disposition. The following chart reflects the types of final dispositions eligible for restriction under the new record restriction law.

Outcome of Case	Eligibility
Convicted of a felony (pled guilty or convicted at trial)	<b>*NO</b>
Convicted of a misdemeanor (pled guilty or convicted at trial)	<b>NO (except certain Youthful Offender convictions)</b>
Dismissed by arresting agency without referral to prosecuting attorney's office	<b>YES</b>
Dismissed by prosecuting attorney's office before formal charge (accusation/indictment)	<b>YES</b>
Case placed on the dead docket by the prosecuting attorney	<b>**YES</b>
No formal charge entered because the grand jury did not return a bill of indictment (no bill)	<b>YES</b>
Open arrest (not dismissed by arresting agency nor referred for prosecution)	<b>YES</b>
Dismissed or Nolle Prossed after formal charge (accusation/indictment)	<b>***YES (subject to 4 exceptions)</b>
Acquitted by judge or jury (found not guilty after trial)	<b>YES</b>
Successful completion of sentence under the Conditional Discharge Statute (O.C.G.A 16-13-2 – related to drug possession and nonviolent property crimes)	<b>YES</b>
Successful completion of sentence for furnishing to, purchasing, or possession of alcohol for persons under 21 years of age (O.C.G.A. 3-3-23.1)	<b>YES</b>
Successful completion of a drug, mental health, veterans or family treatment court program	<b>YES</b>
Certain misdemeanor convictions that occurred when under the age of 21 ("youthful offender")	<b>**YES</b>
Conviction is vacated or reversed	<b>**YES</b>
Felony charge dismissed but individual is convicted of an unrelated misdemeanor	<b>**YES</b>
Fugitive From Justice warrant arrests	<b>**YES</b>

\* A pardon may be a possibility if the criteria are met, but does not restrict the charge from an individual's record

\*\* Certain types of restrictions are up to the discretion of the court, see O.C.G.A. § 35-3-37(j)(1)-(5)

\*\*\*If charges were dismissed for one of the following reasons they are not eligible to be restricted:

- a. There was a plea agreement to at least one other charge related to the case,
- b. the conduct was part of a pattern of criminal activity prosecuted in another jurisdiction,
- c. the government was barred from introducing material evidence against the individual, or
- d. the individual had some form of immunity from prosecution