

# GETTING GEORGIANS BACK TO WORK

## Expanding Access to Expungement

In 2020, a coalition of 6 major corporations, the Metro Atlanta Chamber, 77 partner organizations, and legislators from both parties teamed up to promote and pass SB 288, making 1.5 million Georgians eligible for expungement for the first time.

SB 288 made most misdemeanors and pardoned felony convictions eligible for expungement.

Expungement is a proven solution with many benefits:



**It creates opportunity:** studies show wages increase by an average of 22% within one year of expungement.<sup>1</sup>



**It reduces recidivism:** the University of Michigan found that fewer than 1% of people were re-convicted of a felony within five years of record clearance.<sup>2</sup>



**It strengthens the economy:** increased wages mean an increased tax base. A Stanford University study found the benefits of expungement outweighed costs by \$5,760 per individual.<sup>3</sup>



But small issues prevent many deserving Georgians from clearing their record and participating in the economy. **SB 257 cleans up these minor issues:**

- 1 Permits judges to expunge all misdemeanor theft offenses.**
  - Almost all misdemeanors (including some misdemeanor theft) and pardoned felony theft convictions can already be expunged. SB 257 lets judges expunge all misdemeanor theft offenses.
- 2 Makes expungement automatic for people who have been pardoned.**
  - The Board of Pardons and Paroles thoroughly vets applications and grants about 500 pardons per year. The few who have completed the extensive pardon process should not have to hire an attorney and petition a court for expungement.
- 3 Enables courts to seal minor offenses.**
  - Even though minor “non-fingerprintable” offenses, like most local ordinance violations, are eligible for expungement, courts need statutory authorization to actually expunge the records.
- 4 Allows human trafficking survivors to expunge their records without unnecessary delays.**
  - SB 257 fixes an unintentional statutory requirement that survivors of human trafficking must wait 2 years before expunging vacated convictions.
- 5 Opens access to the courtroom for Retroactive First Offender petitions.**
  - Judges decide whether to grant Retroactive First Offender diversion relief. Prosecutors can argue against RFO, but their consent shouldn't be required just to get in court.

Want to learn more? Contact Wade Askew, GJP Supervising Attorney at [Wade@GJP.org](mailto:Wade@GJP.org) or 404.827.0027 ext. 214

### Sources

[1] Collateral Consequences Resource Center (2018). Michigan set-asides found to increase wages and reduce recidivism. *Federal Sentencing Reporter*, 3, 361-362. doi: 10.1525/fsr.2018.30.4-5.361

[1] 2 Prescott, J.J. and Starr, Sonja B., *Expungement of Criminal Convictions: An Empirical Study (2020)* Harvard Law Review.

[1] Chapin, M., Elhanan, A., Rillera, M., Solomon, A.K., & Woods, T.L. (2014). A cost-benefit analysis of criminal record expungement in Santa Clara County. *Stanford Public Policy*