

FAQ: Georgia Record-Clearing

In Georgia, the process of removing arrest and conviction information from public view is called Record Restriction and Sealing. Georgia does not have expungement because records are not destroyed. Instead, access to the records is limited for most employers and housing providers (law enforcement maintains access).

RESTRICTION – STEP ONE

Hides criminal arrest and case information from third parties like employers and housing providers who check your official criminal history through the Georgia Crime and Information Center (GCIC) or the FBI

SEALING – STEP TWO

Hides online and court records from public view so private background check companies cannot report the arrest or conviction information to third parties, a record must be restricted before it can be sealed

YOU NEED BOTH RESTRICTION AND SEALING

WHAT CAN BE CLEARED FROM MY RECORD?

FELONY CONVICTIONS: 3 POSSIBLE OPTIONS			
	ELIGIBILITY	WHAT IT DOES	HOW TO DO IT
RETROACTIVE FIRST OFFENDER	- You were eligible for First Offender at sentencing but not told about it - Prosecutor must give permission to file	- Changes your sentence to First Offender - Felony is no longer a conviction - Record is restricted & sealed from public view	- Once prosecutor gives permission, then file motion in court where you were convicted
PARDON + RESTRICT & SEAL	- You must receive a Pardon first (usually requires 5 years off sentence) - You have not been convicted of anything since the pardon (other than minor traffic offenses)	- Felony is still a conviction, but record is restricted & sealed from public view	- Apply for Pardon with GA Board of Pardons & Paroles - Once Pardon is granted, file motion in court where you were convicted
SURVIVORS FIRST ACT	- Your case(s) happened because or while you experienced sex or labor trafficking - You do not have an active warrant	- Judge can vacate (undo) the conviction OR restrict & seal it from public view	- Must use Attorney General forms - File in court where you were convicted

MISDEMEANOR CONVICTIONS: 3 POSSIBLE OPTIONS

	WHO MAY QUALIFY	WHAT IT DOES	HOW TO DO IT
RETROACTIVE FIRST OFFENDER	- You were eligible for First Offender at sentencing but not told about it - Prosecutor must give permission to file	- Changes your sentence to First Offender - Misdemeanor is no longer a conviction - Record is restricted & sealed from public view	- Once prosecutor gives permission, then file motion in court where you were convicted
RESTRICT & SEAL UP TO TWO MISDEMEANORS*	- Eligible misdemeanor conviction (max 2 cases) - No pending cases - 4 years since last conviction (excluding minor traffic offenses)	- Misdemeanor is still a conviction, but record will be restricted & sealed from public view	- File motion in court where you were convicted
SURVIVORS FIRST ACT	- Your case(s) happened because or while you experienced sex or labor trafficking - You do not have an active warrant	- Judge can vacate (undo) the conviction OR restrict & seal it from public view	- Must use Attorney General forms - File in court where you were convicted

*You can file a motion to restrict & seal eligible pardoned misdemeanor convictions. This does **not** count toward your lifetime limit.

NON-CONVICTIONS: YES – IN MOST CASES

DISMISSAL, NOLLE PROSSE, NOT PROSECUTED, NOT PRESENTED TO GRAND JURY, LOCAL ORDINANCE	ARRESTS BEFORE 7/1/2013 - Submit restriction application to arresting agency & pay fee (usually \$25), approval/next step will be sent to you ARRESTS ON/AFTER 7/1/2013 - Should be automatically restricted when your case is closed, if not, call or go to the clerk's office where the case happened and ask them to restrict ONCE RESTRICTED - File a motion to seal if the arrest is less than 7 years old, if older than 7 years, it should not show up on a private background
FIRST OFFENDER	Case should be restricted & sealed, if not, file a motion
CONDITIONAL DISCHARGE	Case should be restricted at sentence completion, then file motion to seal

ERRORS ON GCIC/PRIVATE BACKGROUND REPORT: YES

WRONG, INCOMPLETE, OR MISLEADING INFO ON GCIC	Ask the agency (clerk/sheriff/prosecutor) who entered the mistake to correct it, if they refuse, you can appeal the decision
WRONG, OLD, OR SEALED INFO ON PRIVATE BACKGROUND CHECK	Private background checks cannot show inaccurate or sealed information, you have a right to dispute errors with the company
IDENTITY THEFT (someone used your name at arrest)	Request a GCIC record inspection to correct the record

DEAD-DOCKET CASES: MAYBE

ON DEAD DOCKET FOR 12+ MONTHS	You may be able to restrict & seal depending on the situation
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