

Restriction & Sealing of First Offender Records

How a new law effective July 1, 2026 ensures your First Offender records won't show up on a background check

Many people sentenced under the First Offender Act were not getting the second chance the law was intended to provide because the case records were showing up on background checks or online. To address this problem, Georgia Justice Project drafted HB 162, which was signed by Gov. Kemp and goes into effect July 1, 2026. It **requires restriction and sealing of First Offender records** at the time of sentencing. Also, if you are currently serving or previously completed a sentence under the First Offender Act, the records of your case must be restricted and sealed.

What you should know about the First Offender Act

If you have never been sentenced under the First Offender Act and have never been convicted of a felony before, the judge can sentence you under this law. If you successfully complete your First Offender sentence, your case is discharged and **you will not have a conviction on your record**. If asked if you have been convicted of a crime and this case is the only one on your record, you can truthfully answer "no." First Offender can be used for a misdemeanor or felony, but some charges are ineligible (certain sex offenses and serious felonies).

First offender is a great opportunity, but it is important to make sure the records of the case don't show up and create barriers for you. This is where HB 162 comes in! It ensures records of your first offender case are both restricted and sealed. **Restriction** hides arrest and case information from employers and landlords who check your official criminal history through the Georgia Crime Information Center (GCIC) or FBI. **Sealing** hides online and court records from public view so private background check companies cannot report the information.

What if I am sentenced under the First Offender Act on or after July 1, 2026?

If you are sentenced under the First Offender Act, O.C.G.A. 42-8-62.1 requires the court to restrict and seal the case records at the time you are sentenced so they cannot be seen by third parties, like housing providers or employers, online or on a background check.* The court must also restrict your jail records from this case.

What if I am currently serving a sentence under the First Offender Act?

If your case was not already restricted and sealed at sentencing, under O.C.G.A. 42-8-62.2, you can file a petition (a written request) with the court that sentenced you and ask for the records to be restricted and sealed. The court **must** grant your request within 90 days of filing and issue an order restricting the criminal history information on your official Georgia record and sealing all records in the custody of the clerk. Jail records must be restricted from public view too.

What if I successfully completed a First Offender Act sentence already?

If you successfully completed your First Offender sentence, meaning the judge never took away your First Offender status during your sentence and entered an adjudication of guilt, your case should have been discharged and restricted at sentence completion, but you may still need sealing. Under O.C.G.A. 42-8-62.2, you can file a petition with the court that sentenced you and ask for the records to be sealed. The court **must** grant your request within 90 days of filing and issue an order that seals all records in the custody of the clerk. Jail records must be restricted from public view too. Note: If your First Offender records were not properly discharged and restricted when you completed your sentence, you can request restriction in the petition as well.

**Criminal justice agencies can see first offender records even if they are restricted and some employers can see certain first offender cases even if they are restricted. See O.C.G.A. 42-8-63.1 for more information on employer access to first offender records for employees who work with vulnerable populations.*

Am I Getting the Full Benefit of First Offender?

After July 1st 2026, here's how you can find out...

Step One: Make sure you were sentenced under the First Offender Act

- HB 162 only covers First Offender Act records.
- If you are not sure if you used first offender, contact the Clerk of Court where your case was handled and ask for a copy of the **final disposition**. This paperwork should say you were sentenced under the First Offender Act or O.C.G.A 42-8-60.
- If you remember receiving first offender but your final disposition does not list it, contact the Clerk of Court where your case was handled and ask for a copy of the plea hearing transcript (**note**: there may be a fee). If your transcript shows the court sentenced you under first offender, ask the clerk's office to enter your first offender disposition into GCIC.
- If you were not sentenced under first offender, see GJP.org for more information about restriction and sealing of Georgia conviction records.

Step Two: Make sure your First Offender status was not taken away by the court

- If you are not sure if you successfully completed your first offender sentence, contact the clerk's office to see if there was an **Adjudication of Guilt** in your first offender case. An adjudication of guilt is an order from the court taking away (revoking) your First Offender status during your sentence.
- A revoked First Offender sentence is a conviction. See GJP.org for more information about restriction and sealing of Georgia conviction records.

Step Three: Make sure your official record shows "First Offender Act Discharged"

- Request your criminal history to check! You can request a copy of your official Georgia criminal history (a GCIC Purpose Code U) from a local arresting agency for a fee. Do not do this if you think you may have a warrant, instead speak with an attorney.
- If your GCIC record shows **First Offender Act Discharged** for your case, the record is properly restricted. If your record shows **First Offender Discharged as a Matter of Law**, you can contact the clerk's office where the case occurred and ask them to enter the completion (also known as a Discharge) into GCIC.
- If your GCIC record shows **Convicted** and you are sure you successfully completed your first offender sentence, contact the clerk's office to ask them to correct it.

Step Four: Make sure the records in your First Offender case are sealed

- After July 1st, 2026, First Offender records must be restricted and sealed at sentencing. If your records were restricted and sealed, contact the clerk's office for a **copy of the court order**. Keep this document in case you need to use it to dispute a private background check. **
- If you are still serving a first offender sentence or previously completed one, you may need to **submit a petition to the court to restrict and seal the case**. See GJP.org or contact Intake@GJP.org or 404-827-0027, ext. 238 for materials to do this on your own.
- If the arrest in your First Offender case happened more than 7 years ago, the case should not appear on private background checks even without sealing but may still appear online.
- Remember, a First Offender case is not a conviction. If asked if you have been convicted of a crime and this case is the only one on your record, you can truthfully answer "no."

***Private background checks often contain errors. You should always ask for and review a background check pulled for housing/jobs if you are denied to make sure a sealed first offender case does not appear. If it does, you can dispute it by following the steps on our [Background Checks and Your Rights](#) handout.*

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