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# Panel Explores When To Expunge Records

Ex-cons need to be able to re-enter society sooner, state Senate hearing is told

By Kathleen Baydala Joyner | [Contact](#) | [All Articles](#)

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Marissa Dodson cited shortcomings in how Georgia handles expungements.  
 John Disney/Daily Report



Gary Bergman said additional exemptions to records restriction eligibility are needed.  
 John Disney/Daily Report

Should a middle-aged woman who was convicted of drunken driving when she was 21 have to tell her prospective employer, even if she's never committed another offense?

Should a man who pleaded guilty to misdemeanor marijuana possession after prosecutors dropped his armed robbery charge have to wait four years before applying for expungement of his record?

Should a private background check company be allowed to continue to disclose someone's criminal records even if the court has subsequently restricted access to them?

Those are questions that a study committee of state senators, many of whom are lawyers, are hoping to tackle before the beginning of the next legislative session in January. The committee held its first of at least five meetings Tuesday across the street from the Capitol.

Senator Josh McKoon, R-Columbus, chairs the expungement panel and the Senate Judiciary Committee. A practicing attorney, McKoon acknowledged reforms were made during the last two sessions. House Bills 1176 and 349, passed during the 2012 and 2013 sessions, expanded the types of criminal records that are eligible for expungement, restriction and correction.

The bills also shifted the burden of expungement from the subject to the agencies that keep the records, but most of those reforms focused on people who had been arrested but never convicted by outlining which agencies are responsible for expungement and what records are eligible. McKoon said he believes there needs to be attention paid to ex-convicts who want to re-enter the community and the workforce.

"Once somebody has committed an offense and paid their debt to society, how difficult do we really want to make it for that person to navigate the process of becoming a tax-paying member of society with employment and opportunities?" McKoon asked.

The other committee members are Senate Judiciary Non-Civil Committee Chairman Jesse Stone, R-Waynesboro, a lawyer; Interstate Cooperation Committee Chairman Hardie Davis, D-Augusta, a pastor and

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business owner; Senator Butch Miller, R-Gainesville, an auto dealer; and Urban Affairs Committee Chairman Ronald Ramsey, D-Decatur, a lawyer.

During Tuesday's hearing, a man who identified himself as Thomas Weaver of Canton testified that he has struggled finding employment after a recent conviction for carrying a firearm at a public gathering. In 2010, a year after his conviction, the Georgia General Assembly repealed the prohibition against carrying guns at public gatherings and replaced it with a narrower list of carry restrictions.

"I have to continue to tell employers that I have this firearm charge, [and] I've only found one who is willing to hire me," Weaver said. "Interestingly, this charge is no longer a charge at all. So, I'm asking this committee if it would consider legislation ... to provide that a person's record or index maintained by the GCIC [Georgia Crime Information Center] cannot be [released] if it references a crime that has subsequently been repealed or that the state no longer considers a crime at all."

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