



To: Members of the Senate Judiciary Non-Civil Committee
From: Marissa McCall Dodson, Policy Director at the Georgia Justice Project
CC: Sponsors of House Bill 71 (HB 71)
Date: March 19, 2015
RE: Proposed Amendments to HB 71 (LC 29 6437S) and Georgia Pardons

I write to offer proposed amendments to House Bill 71 (LC 29 6437S).

Georgia is the eighth most populous state but has the fourth highest rate of incarceration in the world and the most people under correctional control. Two-thirds of those with felony convictions in Georgia were convicted of non-violent and non-sexual offenses. Moreover, though over 95% of those incarcerated will be released, 1 in 3 is expected to return within three years. The overwhelming research indicates that the most important predictor of recidivism is the ability to secure stable employment but Georgia is one of the hardest states to secure employment with a record.

Since 1986, the Georgia Justice Project (GJP) has represented low-income individuals involved in the criminal justice system in the Metropolitan Atlanta area. Through the Coming Home Program, developed in 2008, GJP provides legal representation to people denied opportunities because of a criminal record, educates stakeholders in Georgia about the negative impact of having a criminal record, and advocates for positive legislative and administrative reforms.

In the last year GJP:

- Provided legal assistance to more than 300 Georgians struggling to find a job, housing or another opportunity because of a criminal record.
- Conducted nearly 60 presentations about the collateral consequences of a criminal record in Georgia for more than 2500 people – including people with criminal records, service providers, attorneys, judges and other stakeholders.
- Contracted with the Governor’s Office of Transition, Support and Reentry (GOTSR) to provide statewide education to stakeholders in the Georgia Prisoner Reentry Initiative (GA-PRI).

I. **Pardons in Georgia**

Currently, the only available relief from the barriers to opportunity caused by a criminal conviction in Georgia is to obtain a pardon from the Board of Pardons and Paroles. In order to qualify for a pardon, an applicant must have completed his or her sentence, including serving any probated sentence and paying any fine/fees, and also refrain from criminal activity for a subsequent period of five years. It is important to note that even after the pardon is granted, the **records of the case/conviction remain public.**



There are significant challenges to securing opportunity for people with pardons, but Georgia has recently taken positive steps to reduce the liability concerns of employers and others. In 2014, a new law was enacted to protect decision-makers in Georgia who hire, lease, license, or admit to a school or program, anyone who was pardoned of their offense(s).

NOTE: As of January 2015, there is a new pardon application that adds eight pages to what was previously a three-page application and requires applicants to disclose information about their children, any substance abuse and mental health history and their civil and financial information.

II. **Proposed amendments to HB 71 (LC 29 6437S)**

Georgia Justice Project proposes the following amendments that will maintain access to and the effectiveness of the pardon for Georgians who committed low-risk crimes and have demonstrated he or she has been rehabilitated.

1. **Lines 19 - 20:** "Advanced notice" to victim should only be required when the applicant for a pardon was convicted of a serious violent or serious sexual felony offense.
2. **Lines 42 - 44:** Release of information regarding a person who was previously paroled and whose rights have been restored should only be limited to serious sexual and serious violent crimes.
3. **Lines 54 - 61:** The only information from the application that should be made publicly available is the name, sex, date of birth, current address, crime or crimes for which the applicant was convicted and the date of pardon.
4. **Lines 87 - 90:** The district attorney should only be required to consent when the applicant for a pardon was convicted of a serious violent or serious sexual felony offense.

Thank you for your time and consideration.

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