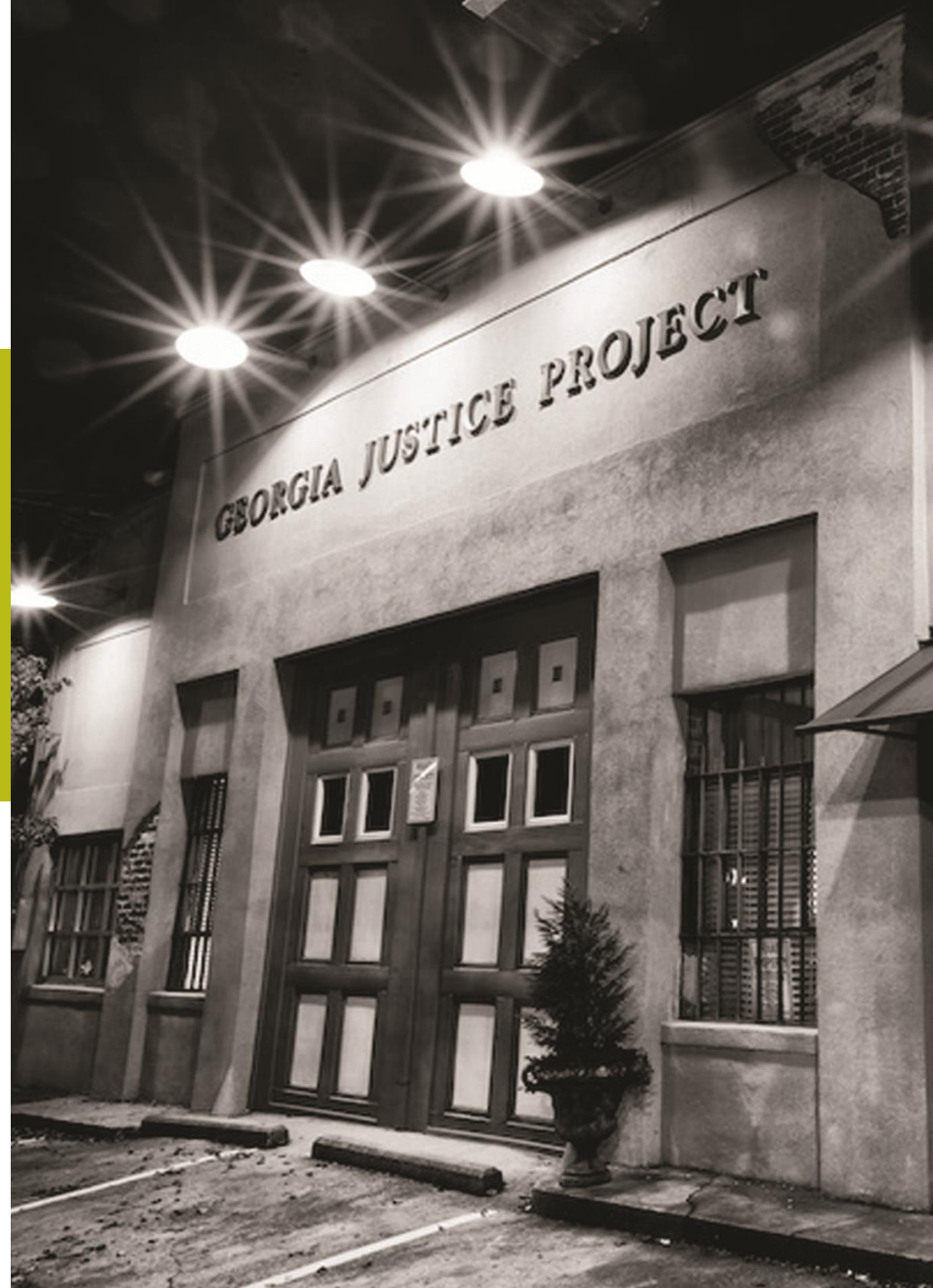


GEORGIA
JUSTICE
PROJECT

Record Clearing Educational Townhall

Welcome!

**GJP Attorneys:
Tiffany Gordon
Paige Jann**



Special thanks!

- **Curtis W. Miller, Chief Judge, Municipal Court, City of Stonecrest**
- **Mallory Minor, MPS, Clerk of Municipal Court, City of Stonecrest**
Email address: mminor@stonecrestga.gov
- **DeVondrel Banks, Solicitor General, City of Stonecrest**
Email address: dbanks@fincherdenmark.com

TODAY'S AGENDA

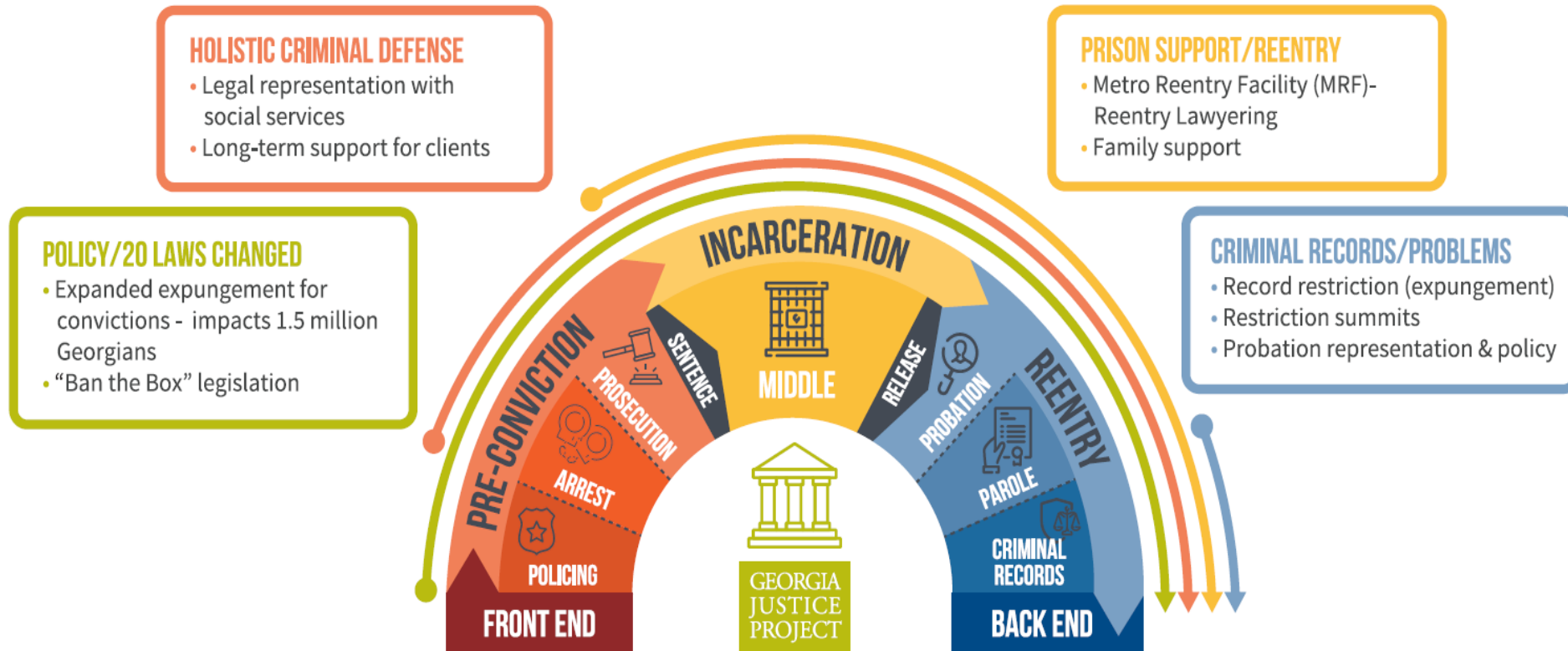


- **Who we are**
- **Recent policy victory – Senate Bill 10**
- **Overview of Georgia record clearing**
- **Other issues – probation, employment/housing & voting**

Georgia Justice Project: Who we are

GEORGIA
JUSTICE
PROJECT

GEORGIA JUSTICE PROJECT'S INTERVENTION



NEW LAW: SB 10 – Missing Court / FTA

- **If your license was suspended for missing traffic court, the court can now reinstate your license at any time. Contact the court to explain why you missed court and/or why you need your license.**
 - **Ask for your license back right away. The court can reinstate even before you have fully resolved the case or paid your fines.**
 - **If the court reinstates your license but you cannot afford a \$100 DDS reinstatement fee, you may ask the court to waive the DDS fee.**
- **If you just missed traffic court and your license hasn't been suspended yet, contact the court right away. Ask the court not to suspend your license and ask your options for how to resolve the case.**

Understanding your Georgia Criminal History

....and what you can do about it

Terms to know

Expungement

Expungement

- What a lot of states call the record clearing process

Restriction & Sealing

Georgia calls it Restriction & Sealing

- Restriction – Limits access to GCIC records (law enforcement records)
- Sealing – Limits access to court records (used by Private Background Check companies)

Pardon

Pardon

- Certificate of forgiveness from the state for a conviction (usually felonies)

First Offender

First Offender

- If you are sentenced as a First Offender and successfully complete your sentence you do not have a conviction on your record for that case

The Big Picture

What you can do to clean
up your record in
Georgia



❖ **Felony Convictions**

- Retroactive First Offender
- Restrict & Seal Pardoned Convictions
- Survivors First Act

❖ **Misdemeanor Convictions**

- Retroactive First Offender
- Restrict & Seal Up to Two Convictions
- Survivors First Act

❖ **First Offender Cases**

- Discharge & seal

❖ **Pending Charges**

- Restrict & Seal Dead Dockets

❖ **Non-convictions**

- Restrict & Seal

What you can do to “clean up” a felony conviction

❖ **Retroactive First Offender**

- If you were eligible at the time you were sentenced, you may have received First Offender
- If you were eligible but didn't get it, you may be able to go back and get it now
- Some offenses excluded (serious violent felonies, serious sex offenses, others)

❖ **Survivors First Act**

- New law that may allow you to vacate or restrict and seal your conviction if you are a survivor of human or sex trafficking

❖ **Restriction & Sealing of Pardoned Felony Convictions (SB 288)**

- You can apply for a Pardon five years after you complete your sentence (probation, parole, or incarceration sentence)
- If you received a Pardon from the State Board of Pardons & Paroles, you may be able to restrict & seal the record of your felony conviction(s)
- Serious violent felonies and certain sex crimes are excluded

What you can do to “clean up” a misdemeanor conviction

❖ **Retroactive First Offender**

- You can get First Offender for a misdemeanor **OR** felony, but you can only use it once
- If you were eligible but didn't get it, you may be able to go back and get it now
- Some misdemeanor offenses excluded (e.g. DUI)

❖ **Survivors First Act**

- New law that may allow you to vacate or restrict and seal your conviction if you are a survivor of human or sex trafficking

❖ **Restriction & Sealing of Up to Two Misdemeanor Convictions (SB 288)**

- If you completed your misdemeanor sentence and haven't been convicted of anything in the last 4 years, you may be able to restrict & seal your misdemeanor conviction
- Some misdemeanors are excluded (including DUI)

Excluded misdemeanor offenses

- ❖ Family violence simple assault, family violence simple battery, & family violence battery (unless Youthful Offender-under 21 when arrested)
- ❖ Excluded for all ages
 - Family violence stalking/Violating a family violence order/Obstructing 911 call
 - Child molestation/Enticing a child for indecent purposes
 - Improper sexual contact by employee or agent
 - Public indecency/Peeping Tom
 - Keeping a place of prostitution/Pimping/Pandering by compulsion
 - Sexual battery
 - Certain offenses related to minors
 - Certain theft offenses
 - DUI & certain traffic offenses

Common issues

- ❖ Non- convictions
- ❖ First offender/Conditional Discharge
- ❖ Dead Docket
- ❖ Record Corrections
- ❖ Active Supervision



Knowing your rights

- ❖ Early Probation Termination
- ❖ Private background reports
- ❖ Employment
- ❖ Housing
- ❖ Voting



SB105 Early probation termination

SB105 Allows individuals serving on felony probation, who were sentenced in Georgia, to be eligible for early termination of their probation.

ELIGIBILITY

Anyone who has served 3 years of their probation sentence and meets the following criteria:

1. No new arrests (besides non- serious traffic offenses)
2. Not had their probation revoked in the past 24 months
3. Paid all restitution back (this does *not* include fines + fees)

Private Background Report

- ❖ Applies to both housing and employment.
- ❖ Reports are frequently wrong
- ❖ Consumer reporting agencies governed by the **Fair Credit Reporting Act**
 - Must be told if denied due to the report (Adverse Action Letter)
 - Must receive copy or may request a copy of the report
 - Right to dispute incorrect information on the report
 - To get a copy of credit report or dispute error go to this website:
 - <https://www.consumer.ftc.gov/articles/disputing-errors-your-credit-reports>
- ❖ Always request a copy!
- ❖ 7-year rule

Does the Law Protect People with a Record?

- Criminal records status is not a protected class, BUT certain criminal history policies may result in discrimination against a protected class (e.g. race & ethnicity).
- Employers cannot have blanket policies (must be a business necessity)
- Employers should not consider arrests alone
- EEOC - Employers must consider:
 - **Nature & gravity of offense(s)**
 - **Time that has passed**
 - **Nature of the job held or sought**
 - <https://www.eeoc.gov/how-file-charge-employment-discrimination>

What can employers ask?

- May ask about arrests or convictions in Georgia.
- No time limit on how far back employers can search.

RECOMMENDATIONS:

- Clear what you can from your record!
- Should not leave question blank or say “will discuss at interview”
- Employers may treat as honesty test – **Know your record!**
- Be brief and to the point when explaining – be honest and take responsibility, focus on what you have learned.
- Only answer the questions asked.
- You may want to prepare a brief statement.
- Focus on types of jobs that are not related to your charges.

How can I be job ready?

- Have an updated resume and cover letter
- Have documents such as birth certificate, ID/passport, and other documents to establish employment
- Keep copies of documents related to your cases and have them ready
- Have character letters/letters of reference
- Be persistent

How can a record be considered when applying for housing?

- ❖ **No blanket exclusions** – for arrest or conviction.
- ❖ Public and private housing providers must do an individualized assessment of each applicant's criminal history:
 - **Factors to consider:**
 - Facts or circumstances surrounding the criminal conduct;
 - Age of the individual at the time of the conduct;
 - Evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct;
and
 - Evidence of rehabilitation efforts
- ❖ Federally funded housing (e.g. PHAs) **CANNOT** use arrest records as the basis for denying admission, terminating assistance, or evicting tenants.
- ❖ **To make a complaint:**
 - ❖ <https://gceo.georgia.gov/complaints/fair-housing-complaint-form>
 - ❖ https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

Housing self advocacy

- ❖ Ask for the property's rental policies before applying and challenge any language excluding individuals with a criminal record
- ❖ Look for management companies with multiple properties, that would allow you to transfer the application fee
- ❖ Apply for smaller, private housings
- ❖ **If your application is denied:**
 - Time matters!!!
 - Request a written notice of the rejection & ask for the reasons for the denial.
 - Request a copy of the background check.
 - Review the background check for accuracy & completeness.
- ❖ Consider filing a complaint (for race discrimination)

A note about voting...

**OFF PAPER?
YOU CAN VOTE.**



Know your rights

People with a felony conviction may not know they can vote

Voting rights restored upon sentence completion

Certificates of Sentence Completion

FIRST FRIDAY CRIMINAL RECORDS CLINIC



Pre- registration is required: GJP.ORG/FIRST-FRIDAYS/

UPCOMING DATES

- ❖ **September 2:** 10-11:30am
- ❖ **October 7:** 10-11:30am
- ❖ **November 4:** 10-11:30am
- ❖ **December 2:** 10-11:30am

Questions about First Friday or Intake at GJP

email Intake@GJP.org or call

(404) 827-0027, ext. 238






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The sign is white with a gold border and is mounted on a wall. The text is in a serif font, with horizontal lines separating the words. The background of the image shows a museum or gallery with various artifacts on display.

THANK YOU.

438 Edgewood Ave. SE
Atlanta, GA 30312
(404) 827-0027 • www.GJP.org

 @gajustice
 @georgiajusticeproject
 @gajusticeproject