

GETTING GEORGIANS BACK TO WORK

Expanding Access to Expungement

In 2020, a coalition of 6 major corporations, the Metro Atlanta Chamber, 77 partner organizations, and legislators from both parties teamed up to promote and pass SB 288, **removing barriers to employment and protecting employers.**

SB 288 made most misdemeanors and pardoned felony convictions eligible for expungement.

Expungement is a proven solution with many benefits:



It creates opportunity: studies show wages increase by an average of 22% within one year of expungement.¹



It reduces recidivism: the University of Michigan found that fewer than 1% of people were re-convicted of a felony within five years of record clearance.²



It strengthens the economy: increased wages mean an increased tax base. A Stanford University study found the benefits of expungement outweighed costs by \$5,760 per individual.³



But small changes would open more opportunities to rehabilitated Georgians and benefit employers who face severe workforce shortages.

1 Clean up unintended obstacles.

- Allow trafficking survivors to expunge records without delays caused by an unintentional loophole.
- Streamline the process for people who receive a pardon for an eligible offense.
- Open access to the courtroom for Retroactive First Offender petitions.
- Enable courts to seal eligible minor offenses by fixing a statutory oversight.

2 Remove barriers to misdemeanor expungement.

- Current law limits an individual to two misdemeanor expungements in their life, regardless of how old the offenses are or what the petitioner has done since.
- Proposed legislation would give judges discretion to grant expungement to any eligible misdemeanor offense, opening opportunity and giving employers the full benefit of liability protection.
- Judges would still have discretion whether to grant expungement, and prosecutors would still be able to object. This amendment also would not affect which cases are eligible for restriction and sealing.

3 Bring consistency to the expungement of misdemeanor theft offenses.

- Some misdemeanor theft convictions and all pardoned felony theft convictions can be expunged; proposed legislation would bring consistency by giving judges discretion to expunge any misdemeanor theft offense.

Want to learn more? Contact Wade Askew, Policy Manager, at Wade@GJP.org or 404.827.0027 ext. 214.

Sources

[1] Collateral Consequences Resource Center (2018). Michigan set-asides found to increase wages and reduce recidivism. *Federal Sentencing Reporter*, 3, 361-362. doi: 10.1525/fsr.2018.30.4-5.361

[2] Prescott, J.J. and Starr, Sonja B., *Expungement of Criminal Convictions: An Empirical Study* (2020) Harvard Law Review.

[3] Chapin, M., Elhanan, A., Rillera, M., Solomon, A.K., & Woods, T.L. (2014). A cost-benefit analysis of criminal record expungement in Santa Clara County. *Stanford Public Policy*