
Georgia forfeits essential workers because of outdated licensing law.

SB 157 attracts new licensed workers with old criminal records and preserves public safety.
Learn more. —→

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Georgia Justice Project and our partners are pleased to present this report on occupational licensing reform for Georgia.

People with criminal records are our neighbors, brothers, sisters, friends, parents, coworkers, and classmates. If someone has moved forward from their past, they deserve a path to contribute to their community and support their family and themselves.

Because of legal and practical barriers, an old or minor criminal record can stop someone from earning a professional license in Georgia. At Georgia Justice Project, we've seen this happen time and time again. But a criminal record should not be a life sentence to low wages, low skills, and low education.

Over the past year, Georgia Justice Project and Senator Brian Strickland formed a working group to tackle this problem. We brought together Georgia's business and workforce community and a bipartisan group of legislators and policy thinkers to examine various licensing reforms from other states.

The solution we all agreed on? **Senate Bill 157.**

This report tells you more about outdated licensing barriers, the fixes in SB 157, and the many ways our state will benefit from fair access to licensed jobs.

A Note from Sen. Strickland

As a licensed attorney, I know firsthand how an occupational license can unlock career paths that enable Georgians to provide for their families. As a State Senator, I've heard from both employers eager to fill vacancies and hard-working individuals desperate to contribute to their communities. To ensure all qualified Georgians have a fair chance to work in these high-need fields, I am proud to author Senate Bill 157, which will bring transparency, consistency, and common sense to how state agencies evaluate criminal records when making licensing decisions.



I am grateful to serve a state whose citizens dream big and work hard. As a legislator, we should work to enable our residents to fulfill their goals – not create artificial barriers that get in the way. In a state where more than 1 in 6 jobs requires an occupational license, we must ensure that requirements for licensure are thoughtfully created to protect the public without excluding qualified workers who simply need to be given a chance. Doing so will help us better tap into the potential of the 4.5 million people who have a Georgia criminal record.

With a few simple tweaks, we can get qualified Georgians back to work in licensed industries. Improving transparency will allow people with records to know whether their record will prevent them from holding a license before investing in training and education for a certain field; streamlining the consideration of records will ensure irrelevant records don't prevent licensure; and due process protections will help licensing agencies make informed decisions while applicants feel heard.

Together, the provisions of SB 157 work to boost the workforce in a time of great need. They do so by borrowing from the best practices of our neighboring states, putting to work practical ideas that have been vetted and approved by many local stakeholders, and relying on data to ensure the public is protected and recidivism is reduced through enhanced economic opportunity.

Thank you for helping Georgians get back to work and keeping Georgia the #1 state to do business.

Sen. Brian Strickland (Dist. 17)

Over 1 in 6

jobs in Georgia require an occupational license.¹



1 in 4 of Georgia's high-demand careers require a license.²



Plumbers



Accountants



Insurance Agents



Nurses, CNAs, & EMTs



Teachers



Truck Drivers

65,000

licensed jobs are unfilled in Georgia's healthcare, childcare, eldercare, transportation and finance industries.³

As workers retire, soon this shortage will grow to **162,871 missing licensed workers.**⁴

But unnecessary barriers keep qualified workers from getting licensed.

Qualified Georgians with an old or irrelevant criminal record are denied the opportunity to pursue a licensed career. For instance:

Georgians with criminal records have no way of knowing their eligibility for licensed work, so they don't take the risk of starting education and training.

If an individual gets their criminal record expunged or pardoned, a licensing board can still deny them a license because of their record.

Licensing applicants may not receive a fair opportunity to explain their record to the licensing board with evidence of their rehabilitation.

Removing these barriers will bring hard-working Georgians into the licensed workforce, while preserving public safety.

1. Institute for Justice, "Occupational Licensing in Georgia" : <https://ij.org/issues/economic-liberty/occupational-licensing/georgia/>

2. WorkSource Metro ATL, "Demand Occupations": <https://atlworks.org/find-career-training/demand-occupations/>

3., 4. Figures provided by the Georgia Chamber of Commerce.

People with criminal records are Georgia's untapped workforce.

Studies show that employees with criminal records often have better retention, display more motivation and loyalty, and are promoted faster than their counterparts.¹

Georgia Justice Project has served thousands of people with criminal records who want to contribute to the economy, support themselves and their families, and move on from their past.

3 years

Most recidivism occurs within 3 years of an arrest.²

5 years

After 5 years without rearrest, the risk of arrest is the same as the general public.³

2x

Employment makes individuals 2x as likely to avoid rearrest.⁴

1. "Johns Hopkins Hospital Success in Hiring Ex-Offenders" (Sept. 2016): <https://www.diversityincbestpractices.com/medialib/uploads/2016/09/Paulk-Presentation-Hiring-Ex-Offenders-09142016.pdf>

and "Does a Criminal Past Predict Worker Performance? Evidence from One of America's Largest Employers." Lundquist, Pager, and Strader (Jan. 2018): <https://www.hks.harvard.edu/publications/does-criminal-past-predict-worker-performance-evidence-one-americas-largest-employers>

2., 3. "'Redemption' in an Era of Widespread Criminal Background Checks," Alfred Blumstein and Kiminori Nakamura, National Institute of Justice (2009): <https://www.ojp.gov/pdffiles1/nij/226872.pdf>

4. "Safer Foundation Three-Year Recidivism Study," Safer Foundation (2008).

4.5 million

have a Georgia criminal record.⁵
Most records are minor.

50%

were only arrested once.⁶

only 14%

have a felony conviction.⁷

over 60%

of those with a felony conviction were not sentenced to prison.⁸

less than 2%

were convicted of a serious violent or sexual offense.⁹

What about record-clearing?

Georgia has expanded record-clearing options in recent years, but remedies can be difficult to access if you can't afford an attorney.

First Offender: A second-chance law resolving a charge without a conviction if the person serves their sentence successfully. Many do not receive First Offender, and those who do must file a motion to seal their records upon completion.

Pardon: Applying for a pardon is a long and complicated process, and individuals must be 5 years off-sentence to apply. Fewer than 500 pardons are granted a year.

Restriction and Sealing: A recent expansion to the law allows individuals to clear up to 2 misdemeanor convictions after 4 years if they have no new convictions. Less than 1% of those eligible have cleared their records.¹⁰

Even First Offender cases, sealed records, or pardoned records can be a barrier to licensure.

5.–10. Figures provided by the Georgia Crime Information Center.

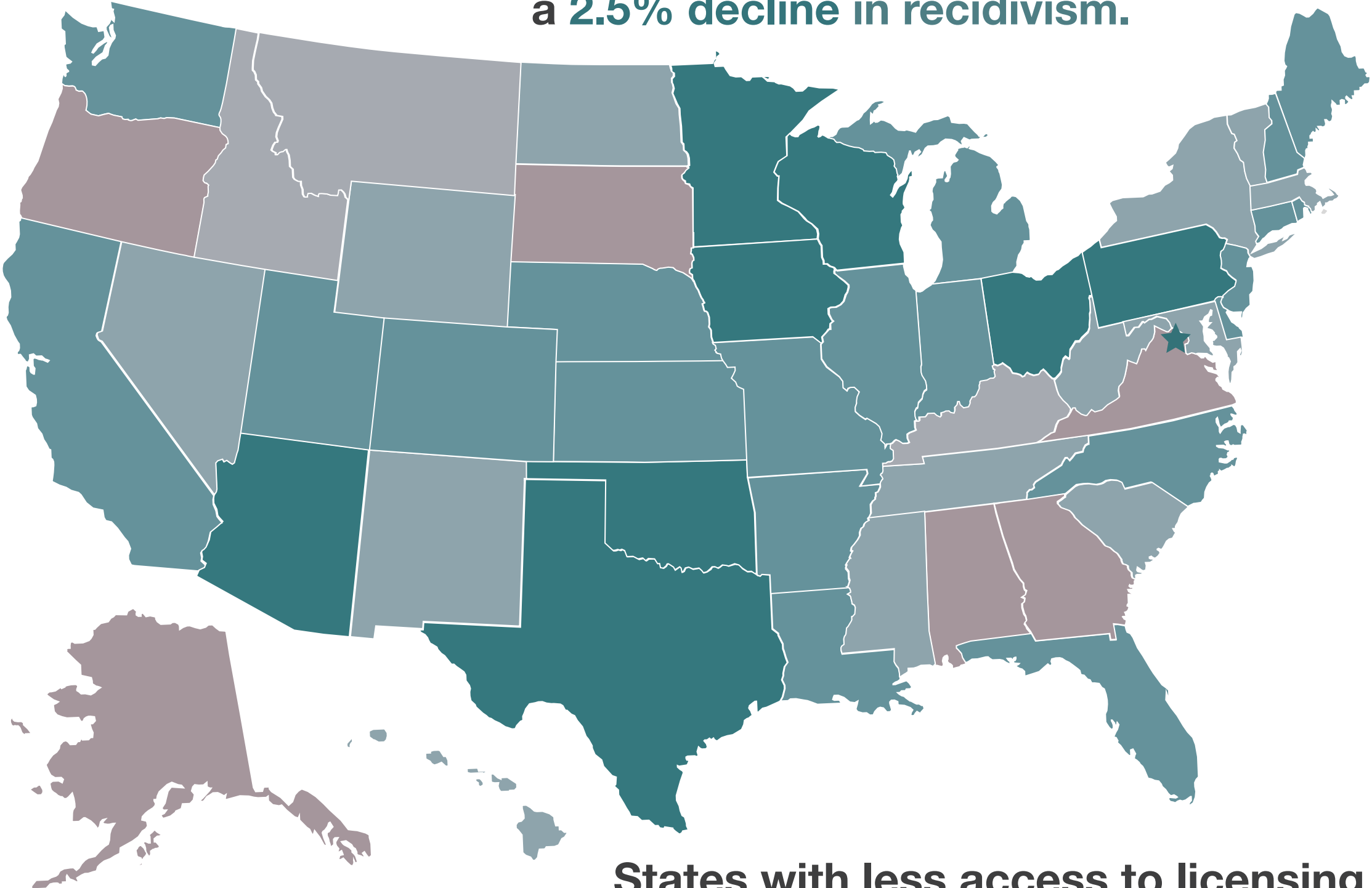
Licensing reform strengthens public safety.

80%
of states have increased access to licensing for workers with criminal records since 2015.¹

Number of proposed licensing reforms passed by each state²



Over a 10-year period, states with more second-chance licensing saw a **2.5% decline** in recidivism.



States with less access to licensing saw a **9% increase** in recidivism.³

1. Institute for Justice, “State Occupational Licensing Reforms for People with Criminal Records”: <https://ij.org/legislative-advocacy/state-occupational-licensing-reforms-for-people-with-criminal-records/>
2. Collateral Consequences Resource Center, State Profiles: <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisoncomparison-of-criminal-records-in-licensing-and-employment/> and Institute for Justice, “Barred From Working” (2020): <https://ij.org/wp-content/uploads/2020/08/Barred-from-Working-August-2020-Update.pdf>

3. “Turning Shackles Into Bootstraps,” Stephen Slivinski (2019), page 2: <https://cseel.asu.edu/sites/default/files/2019-09/csel-policy-report-2016-01-turning-shackles-into-bootstraps.pdf>
See also “Bridging the Divide: Licensing and Recidivism,” Vittorio Nastasi and Samuel R. Staley (2019): https://www.jamesmadison.org/wp-content/uploads/2019/04/PolicyBrief_LicensingRecidivism_v02.pdf

Georgia’s business and workforce community is calling for licensing reform.

85% of small business owners in Georgia support more access to licensing for people with criminal records.¹

“The War for Talent is the top priority for our members, and GJP’s work on second chance hiring and occupational licensing reform is a crucial piece of the puzzle to solving our short and long-term workforce needs.”

Daniela Perry, Vice President, Georgia Chamber Foundation
Georgia Chamber of Commerce

“With 1 in 4 high-demand jobs in Georgia requiring an occupational license, transparency and fairness in the occupational licensing process are critical to ensuring the robust talent pipeline our state needs to keep thriving. The Metro Atlanta Chamber supports efforts to expand our state’s talent pool by streamlining and clarifying occupational licensure criteria. Such efforts are a continuation of our organization’s longstanding commitment to advancing second chances legislation to help remove barriers to quality employment and housing for Georgians.”

Katie Kirkpatrick, President & CEO
Metro Atlanta Chamber of Commerce

1. Small Business Majority, Georgia Opinion Poll (2023), page 2: <https://smallbusinessmajority.org/sites/default/files/research-reports/2023-GA-Criminal-Justice-Poll-Report.pdf>

\$87 billion & 1.9 million workers
is the yearly cost to the U.S. economy when workers with criminal records are excluded from the labor market.²

“Our state is a great place to live and work, but even with a minor criminal record, individuals can be denied opportunities for gainful employment. We cannot address labor shortages, grow Georgia’s economy, and reduce recidivism without enacting meaningful legislative change, like occupational licensing reform, which will give Georgians an opportunity to find a prosperous career path. Our research shows that Georgia’s small businesses are calling for licensing reform to expand the candidate pool. We hope the legislature will act to ensure those willing and eager can start a new business or advance their career.”

Georgia Director Rachel Shanklin, Small Business Majority

“Thank you, Senator Strickland, for sponsoring Senate Bill 157, which will increase Georgia’s workforce by streamlining the licensing process for individuals looking for work. Industries across the state are trying hard to hire eligible employees, and legislation like this helps give applicants a deserving chance to contribute to our state’s workforce while increasing the number of potential employees for our thriving business communities.”

Lt. Governor Burt Jones, Georgia State Senate Press Office, 2023

“Businesses across Georgia face an ongoing labor shortage—and the path forward lies in reforming the state’s occupational licensing system. By removing the barriers to employment and opportunity facing Georgians with old criminal records, we can unlock the power of a talented, diverse, and resilient workforce. Expanding access to occupational licenses for deserving individuals will invigorate the economy and create a stronger, more inclusive Georgia for years to come.”

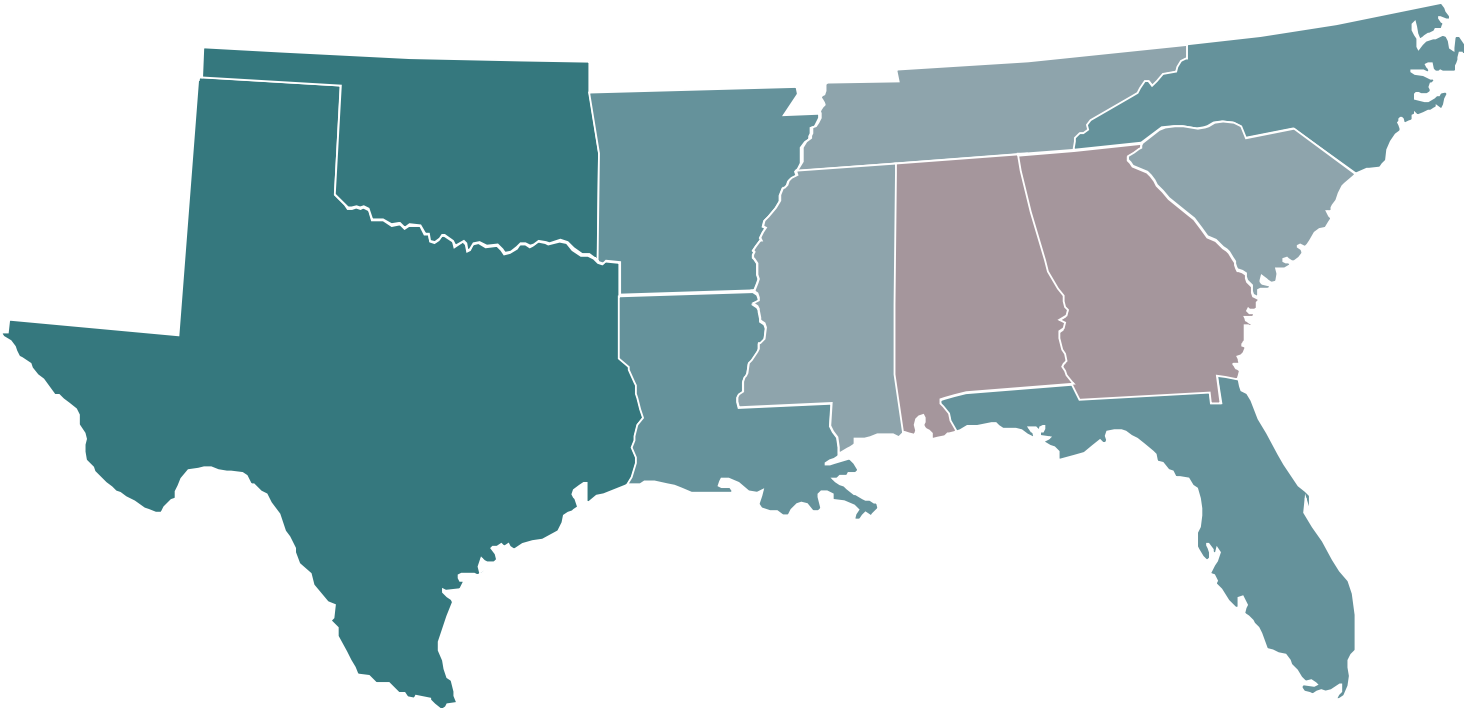
Responsible Business Initiative for Justice

“Research shows that occupational licensing creates significant barriers to work and upward mobility. Research also shows that a job is one of the best ways to reduce recidivism. This bill is an important step the state can take to remove unnecessary licensing barriers that inhibit successful re-entry. It will help ensure that returning citizens have a meaningful opportunity to find work and contribute to their communities.”

Institute for Justice

2. “The price we pay: economic costs of barriers to employment for former prisoners and people convicted of felonies.” C. Bucknor and A. Barber (2016). Center for Economic and Policy Research.

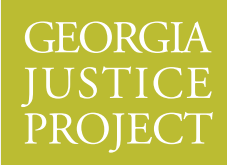
Georgia loses qualified licensed workers to states with licensing reform.



Number of proposed licensing reforms passed by each state.¹



1. Collateral Consequences Resource Center, State Profiles: <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisoncomparison-of-criminal-records-in-licensing-and-employment/> and Institute for Justice, “Barred From Working” (2020): <https://ij.org/wp-content/uploads/2020/08/Barred-from-Working-August-2020-Update.pdf>



Real GJP Client: Dale’s Story



Dale² is a straight-A pre-med student in Georgia with plans to become a physician assistant. Dale has a conviction record, due to past struggles with addiction, but has been sober over a decade. Because Dale is not sure if he can get licensed in Georgia with his record, he is applying to P.A. school in North Carolina and plans to start his career there.

After passing comprehensive licensing reform in 2019, North Carolina has welcomed more than 18,300 qualified licensees with criminal records into its workforce.³

“SB 157 closely tracks the approaches taken by the majority of states which have recently endeavored to make the licensing process more fair, consistent, and transparent. Those states are proving that targeted policies, like those proposed, can significantly expand employment opportunities without jeopardizing public safety. The enactment of SB 157 would bring Georgia significantly closer to fully realizing those goals.”

Council of State Governments

2. Names and identifying information have been changed to protect client privacy.
3. “Alabama bill would eliminate many licensing barriers for ex-offenders,” Nick Sibilla, AL.com (2023): <https://www.al.com/opinion/2023/03/guest-opinion-alabama-bill-would-eliminate-many-licensing-barriers-for-ex-offenders.html>

SB 157 brings workforce and public safety benefits to Georgia.

Authored by Sen. Brian Strickland.

Sponsored by Sens. Russ Goodman, Randy Robertson, Tonya Anderson, and Emanuel Jones.

SB 157 removes unintended barriers to licensure:

Ensuring qualified workers who want an occupational license can get one.

Incentivizing education and training.

Reducing recidivism through access to good, stable jobs.

Continuing to protect the public from unqualified professionals.

Read on to learn about the five reforms in SB 157.

SB 157 is supported by



1. SB 157 identifies new, qualified licensed workers.

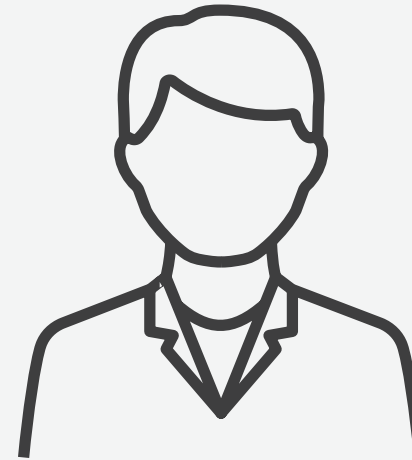
SB 157 creates a pre-petition process for all Georgia professional licenses, offering clarity and expanding the pool of licensing applicants.

A pre-petition process provides a binding, individualized decision for potential applicants with criminal records on whether they are eligible for a license. It gives qualified workers a green light to pursue education, training, and licensure.

FL, TN, TX, MS, KS, AR, MO, LA, NC, IN, WV, and OK have a pre-petition process.

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JUSTICE
PROJECT

Real GJP Client: Alvin's Story



Alvin¹ has a conviction record from over 20 years ago and wants to be a used car dealer. To apply for his dealer's license, Alvin must take a training course, establish a place of business, and pay a fee, but he is not sure if he will get a license with his criminal record. Alvin decides it's not worth the risk and doesn't apply.

“Far too often, Georgians are unfairly delayed or prohibited from pursuing meaningful employment by Georgia’s onerous licensing requirements. This is especially true for many with criminal records that are irrelevant to their profession. This legislation would provide those seeking an occupational license with the opportunity to know beforehand whether they are eligible before investing their time and money and ultimately being denied.”

Georgia Public Policy Foundation

“We support SB 157 because making licensure processes fairer and more efficient expands the possibility for more individuals to enter the nursing profession. Many individuals dream of becoming a nurse but due to the current circumstances do not invest in education and training. Providing clarity with the predetermination process supports and encourages quality and caring individuals to become nurses.”

**Patricia Horton, RN, MN, MBA, CMC, and Chief Executive Officer
Georgia Center for Nursing Excellence**

1. Names and identifying information have been changed to protect client privacy.

2. SB 157 creates transparency about licensing and criminal records.

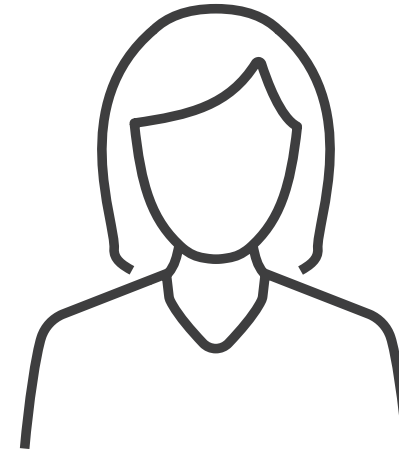
SB 157 requires licensing boards to report on licensing and criminal records and provide online guidance for applicants with criminal records.

Transparency and guidance about licensing requirements encourage licensure.

LA, NC, IL, IA, OK, KS, TX, and FL all have public information about licensing and criminal records.

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Real GJP Client: Candace's Story



Candace¹ is ready to apply for her funeral director license and has a criminal record. She visits the board's website to understand how to handle her record in the application process. She cannot find any information about how to disclose and explain her record, how to obtain the required documents from the court, or how the board will consider her record with her application. Candace's license will be delayed or even denied if she misunderstands how to address her record.

"A steady paycheck and the opportunity for career growth is vitally important to helping the families we serve find a pathway to independence. Georgians who have served time in prison and want to obtain an occupational license in a given field should know what the state and licensing boards expect before they invest time and money into the necessary education or training. The reforms in SB 157 will clarify and streamline the occupational licensing process, giving people an opportunity for a better future where they can provide healthy food and other basic needs for themselves and their families. We support people who are trying to make their lives better and the policies which help them do that."

Kyle Waide, President and CEO, Atlanta Community Food Bank

1. Names and identifying information have been changed to protect client privacy.

3. SB 157 strengthens and clarifies the licensing process.

SB 157 creates a clear legal standard for licensure and provides a hearing, written licensing decision, and appeal for applicants with criminal records.

Boards benefit by receiving additional guidance, considering more evidence, and applying clear and consistent standards and procedures.

Licensing applicants feel heard, understand how the law applies to them, and, if they are denied a license, know what they need to change before reapplying.

LA, SC, MS, NC, IN, MO, IA, KY, and OK have established strong and clear licensing procedures.

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Real GJP Client: Sonya's Story



Sonya¹ finished nursing school, applied for her RN license, and disclosed her criminal record. The board investigates her record but does not allow witnesses explaining Sonya's rehabilitation. They go on to deny Sonya a license without saying why her record is disqualifying or how she can become eligible. Sonya does not

understand how to appeal or how to become qualified and loses the opportunity to be a nurse.

“Georgia’s licensed occupations provide people a tremendous opportunity to earn a living and provide for their families. SB 157 will help people who have made mistakes in their past have that same opportunity. This legislation is key to keeping Georgia a great place to live, work, and raise a family.”

**Georgia Center
for Opportunity**

“Freedom and opportunity lead to prosperity. SB 157 seeks to address the challenges people face who have earned back their freedom, yet still have limited opportunity due to outdated policy. We fully support this bill that will lead to many people achieving their version of the American Dream.”

**Americans
for Prosperity**

1. Names and identifying information have been changed to protect client privacy.

4. SB 157 ensures licensure is denied only because of recent, relevant, or severe criminal history.

SB 157 regulates consideration of criminal records in the licensing process.

Boards and applicants quickly identify stale records without risk to public safety, so boards can focus on criminal history that truly matters.

- Research shows if an individual goes 5 years without a new arrest, their risk of arrest is the same as the general public.¹
- Recipients of expungement and pardons have a significantly lower arrest rate than the general public.²

MO, OK, AR, and IN have established 4- or 5-year time limits for considering convictions, unless the conviction is sexual or violent.

These states and SC have also removed expunged and pardoned records from licensure consideration.

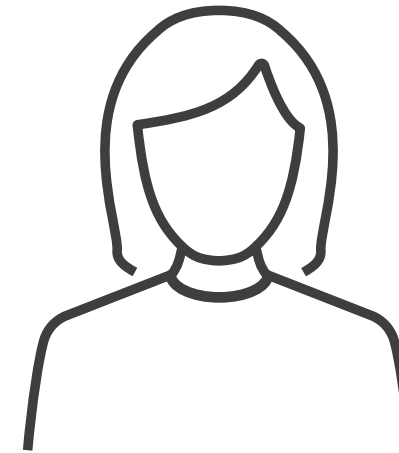
1. “‘Redemption’ in an Era of Widespread Criminal Background Checks,” Alfred Blumstein and Kiminori Nakamura, National Institute of Justice (2009): <https://www.ojp.gov/pdffiles1/nij/226872.pdf>

2. “The Case for Expunging Criminal Records,” The New York Times (2019): <https://www.nytimes.com/2019/03/20/opinion/expunge-criminal-records.html>

See also “Expungement of Criminal Convictions: An Empirical Study,” J.J. Prescott and Sonja B. Starr, Harvard Law Review (2019): https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3353620

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Real GJP Client: Whitney’s Story



Whitney³ had a criminal record because she survived an abusive relationship. A judge has restricted and sealed (expunged) her record. To apply for her cosmetology license, Whitney still must disclose expunged records and explain their circumstances in detail. Whitney worries about reliving this time in her life and being judged on her criminal record by the cosmetology board.

Under SB 157, these records will be considered:

- Convictions for sexual and violent offenses, fraud and embezzlement, child abuse and neglect, and domestic violence, regardless of the year of conviction
- Any convictions or incarceration in the past 5 years

These records will not be considered:

- Arrests that didn’t lead to conviction
- Pardoned, vacated, or expunged convictions
- First Offender adjudications
- Less serious convictions older than 5 years

“The Georgia Faith & Freedom Coalition supports occupational licensing reform. Once Georgians who are engaged in the justice system have paid their debt to society, we need to provide solutions allowing individuals to reintegrate into their communities. We believe strong families are key to a healthy and vibrant Georgia.”

Faith and Freedom Coalition of Georgia

3. Names and identifying information have been changed to protect client privacy.

5. SB 157 enables qualified, rehabilitated workers to enter long-term care employment.

Georgia desperately needs good long-term care workers. But current exclusions are overbroad, requiring disqualification until 10 years after sentence completion.¹ Because of Georgia's uniquely long probation sentences, qualified candidates can be disqualified for decades after one conviction.

SB 157 allows workers who have been pardoned and workers with no disqualifying convictions for 10 years to start careers in long-term care without administrative delay. Workers with serious convictions remain permanently barred.

1 in 19

Georgia adults are on probation and parole, more than 3x the average state.²

3x

longer probation sentences in Georgia than the national average.³

40%

of Georgia probation sentences are longer than 10 years.⁴

37

states cap sentences to be much shorter.⁵

1. See O.C.G.A. § 31-7-351(5)(B).

2. "Incarceration and Supervision by State," Prison Policy Initiative (2023): https://www.prisonpolicy.org/reports/correctionalcontrol2023_data_appendix.html

See also Pew Charitable Trusts, "States Can Shorten Probation and Protect Public Safety": <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/12/states-can-shorten-probation-and-protect-public-safety>

3. Pew Charitable Trusts, "States Can Shorten Probation and Protect Public Safety": <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/12/states-can-shorten-probation-and-protect-public-safety>

4. Figures provided by the Georgia Department of Community Supervision.

5. Pew Charitable Trusts, "States Can Shorten Probation and Protect Public Safety": <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/12/states-can-shorten-probation-and-protect-public-safety>

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Real GJP Client: Ellen's Story



Ellen⁶ successfully completed her felony First Offender sentence of 19 years probation. She wants to apply for work in eldercare, but her background check disqualifies her for another 10 years. For having one nonviolent First Offender case, Ellen is disqualified for 29 years.

SB 157 keeps the 10-year disqualification period for a conviction, but starts disqualification on the date of conviction, not sentence completion. This change accounts for Georgia's uniquely long probation sentences.

SB 157 also allows long-term care work for individuals who are granted a pardon.

SB 157 maintains permanent disqualification for workers with serious convictions, including sexual or violent offenses and abuse or neglect, even if pardoned or more than 10 years old.

6. Names and identifying information have been changed to protect client privacy.

GJP's theory of change:



- 1 INDIVIDUAL**
Legal representation and social services
- 2 POLICY & SYSTEMIC**
Working toward system change
- 3 COMMUNITY OUTREACH**
Building community awareness and creating partnerships

Board of Directors

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Board Chair
Georgia-Pacific

R. Daniel Beale
Dentons

Charlie Bingham, Jr.
Splunk Technology

Anne Blitch
The Coca-Cola Company

Robert Preston Brown
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Tywanda Harris Lord
Kilpatrick, Townsend & Stockton LLP

John H. Rains IV
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King & Spalding, LLP

R. Gary Spencer
NAACP Legal Defense and Education Fund

Asma Surani
Ernst & Young

Meg Taylor
Delta Air Lines, Inc.

Michele Young
Attorney

GJP's intervention:

HOLISTIC CRIMINAL DEFENSE

- Legal representation with social services
- Long-term support for clients
- Restorative justice

POLICY/22 LAWS CHANGED

- Expanded expungement for convictions — impacts 1.5 million Georgians
- Early termination of probation
- Driver's license suspension reform

PRISON SUPPORT/REENTRY

- Metro Reentry Facility (MRF)- Reentry Lawyering
- Family support

CRIMINAL RECORDS/PROBLEMS

- Record restriction (expungement)
- Restriction summits
- Probation representation & policy
- Expungement Desks

