

House Bill 624

By: Representative Davis of the 87<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to  
2 review of individual's criminal history record information, definitions, privacy  
3 considerations, written application requesting review, and inspection, so as to provide for the  
4 automatic restriction of criminal history records for convictions of certain misdemeanors and  
5 felonies ten years after the completion of the sentence; to provide a short title; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Second Chance Act."

10 **SECTION 2.**

11 Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to review of  
12 individual's criminal history record information, definitions, privacy considerations, written  
13 application requesting review, and inspection, is amended by adding a new subsection to read  
14 as follows:

15 "(s)(1) Notwithstanding any other provision of this Code section, except for individuals  
16 convicted of an offense listed in paragraph (2) of this subsection, when an individual was  
17 convicted in this state of a felony, misdemeanor, or a series of felonies or misdemeanors  
18 arising from a single incident and has successfully completed the terms of his or her  
19 sentence and not been convicted of another felony or misdemeanor offense, excluding  
20 any nonserious traffic offense, for at least ten years from the date of completion of the  
21 sentence, the criminal history record of the individual's conviction shall be automatically  
22 restricted.

23 (2) Record restriction pursuant to this subsection shall not be appropriate if the individual  
24 was convicted of:

25 (A) A serious violent felony as such term is defined in Code Section 17-10-6.1;

- 26 (B) A sexual offense as such term is defined in Code Section 17-10-6.2;  
27 (C) Trafficking of persons for labor or sexual servitude as prohibited by Code Section  
28 16-5-46;  
29 (D) Neglecting disabled adults, elder persons, or residents as prohibited by Code  
30 Section 16-5-101;  
31 (E) Exploitation and intimidation of disabled adults, elder persons, and residents as  
32 prohibited by Code Section 16-5-102;  
33 (F) Sexual exploitation of a minor as prohibited by Code Section 16-12-100;  
34 (G) Electronically furnishing obscene material to a minor as prohibited by Code  
35 Section 16-12-100.1;  
36 (H) Computer pornography and child exploitation as prohibited by Code Section  
37 16-12-100.2; or  
38 (I) Any of the following offenses when such offense is committed against a law  
39 enforcement officer, as defined in subparagraph (j)(9)(B) of Code Section 42-8-60,  
40 while such officer is engaged in the performance of his or her official duties:  
41 (i) Aggravated assault in violation of Code Section 16-5-21;  
42 (ii) Aggravated battery in violation of Code Section 16-5-24; or  
43 (iii) Obstruction of a law enforcement officer in violation of subsection (b) of Code  
44 Section 16-10-24, if such violation results in serious physical harm or injury to such  
45 officer."

46 **SECTION 3.**

47 All laws and parts of laws in conflict with this Act are repealed.